

**Deposition of:** Michael R. Cummings

**Date:** December 6, 2010

**Case:** Jerry A. Brabazon v. Aurora Health Care, Inc.

**Printed On:** December 10, 2010

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FOR THE EASTERN DISTRICT OF WISCONSIN

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JERRY A. BRABAZON, individually,  
and on behalf of all others  
similarly situated,

Plaintiff,

v.

Case No. 2:10-CV-00714

AURORA HEALTH CARE, INC.,

Defendant.

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DEPOSITION

MICHAEL R. CUMMINGS

Milwaukee, Wisconsin

December 6, 2010

Brandé A. Browne, RPR, CRR

Registered Professional Reporter

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1	I N D E X		1	DEPOSITION of MICHAEL R. CUMMINGS, a witness	
2	Witness	Pages	2	of lawful age, taken on behalf of the Plaintiff,	
3	MICHAEL R. CUMMINGS		3	wherein Jerry A. Brabazon is Plaintiff, and Aurora	
4	Examination by Mr. Parsons	5	4	Health Care, Inc. is Defendant, pending in the	
5	Examination by Mr. Scullen	143	5	United States District Court for the Eastern	
6			6	District of Wisconsin, pursuant to notice, before	
7	E X H I B I T S		7	Brandé A. Browne, a Registered Professional Reporter	
8	No. Description	Identified	8	and Notary Public in and for the State of Wisconsin,	
9	1 Notice of deposition	14	9	at the offices of Quarles & Brady, LLP, Attorneys at	
10	2 Organizational charts	30	10	Law, 411 East Wisconsin Avenue, Suite 2040, City of	
11	3 Security officer job description	92	11	Milwaukee, County of Milwaukee, and State of	
12	4 Excerpts from 2007 ACT tracks	111	12	Wisconsin, on the 6th day of December 2010,	
13	5 AUR-JB 075448 and 077352	115	13	commencing at 9:23 in the forenoon.	
14	5A AUR-JB 071007 and 075447	115	14	A P P E A R A N C E S	
15	5B AUR-JB 068194 and 071006	115	15	WILLIAM E. PARSONS and DAVID C. ZOELLER, Attorneys,	
16	5C AUR-JB 067390 and 068193	115	16	for HAWKS QUINDEL, S.C., Attorneys at Law,	
17	5D AUR-JB 065205 and 067389	115	17	222 West Washington Avenue, Suite 450, Madison,	
18	5E AUR-JB 064973 and 065204	115	18	Wisconsin 53701-2155, appearing on behalf of	
19	5F AUR-JB 064490 and 064972	115	19	the Plaintiff.	
20	5G AUR-JB 062884 and 064489	115	20	SUMMER H. CARLISLE and LYNN M. NOVOTNAK, Attorneys,	
21	5H AUR-JB 008057 and 012067	115	21	for HAWKS QUINDEL, S.C., Attorneys at Law,	
22	5I AUR-JB 007365 and 008056	115	22	700 West Michigan, Suite 500, Milwaukee,	
23	5J AUR-JB 007365 and 008056	115	23	Wisconsin 53201-0442, appearing on behalf of	
24	5K AUR-JB 043956 and 046652	115	24	the Plaintiff.	
25	5L AUR-JB 041706 and 043955	115	25	SEAN M. SCULLEN, Attorney,	
				for QUARLES & BRADY, LLP, Attorneys at Law,	
				411 East Wisconsin Avenue, Suite 2040,	
				Milwaukee, Wisconsin 53202-4426, appearing on	
				behalf of the Defendant.	
				Also present: Dawn E. Faucett	

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1	E X H I B I T S (Continued)		1	MICHAEL R. CUMMINGS,	
2	No. Description	Identified	2	called as a witness, being first duly sworn,	
3	5M AUR-JB 003797 and 007364	115	3	testified on oath as follows:	
4	5N AUR-JB 037214 and 041705	115	4		
5	5O AUR-JB 034299 and 037213	115	5	E X A M I N A T I O N	
6	5P AUR-JB 012068 and 013742	115	6	By Mr. Parsons:	
7	5Q AUR-JB 013743-013744 and 014255-014257	115	7	Q Good morning, Mr. Cummings.	
8	5R AUR-JB 014258-014259 and 016408	115	8	A Good morning.	
9	5S AUR-JB 016409 and 024183	115	9	Q My name is Bill Parsons, and I'll be taking the	
10	5T AUR-JB 024184 and 028304	115	10	30(b)6 deposition of Aurora today, and you're one	
11	5U AUR-JB 028305 and 030066	115	11	of the witnesses that has been designated to	
12	5V AUR-JB 030067-030068 and 033723	115	12	testify. Have you ever been deposed before?	
13	5W AUR-JB 033724 and 034298	115	13	A I have.	
14	6 Employee handbook	121	14	Q Can you tell me what type of case it was that you	
15	7 Loss prevention policies and procedures	122	15	were deposed?	
16	8 Nonexempt and exempt employee policy	123	16	A Four times. Three of them were as an expert	
17	9 Payroll policy	125	17	witness in security negligent cases, and one case	
18	10 Table of contents for system policy manual	125	18	related to Aurora.	
19			19	Q What was the case related to Aurora about?	
20	11 AUR-JB 046655-046670	126	20	A I don't remember the specifics. It was one of our	
21	12 Kronos Practices document	134	21	staff named Robert Solie had brought a case	
22			22	against Aurora some years ago, and I remember	
23	(The original exhibits were attached to the original transcript and copies were provided to counsel)		23	being deposed on that.	
24	(The original deposition transcript was filed with Attorney William E. Parsons)		24	Q And when was the last time that you were deposed?	
25			25	A October of this year.	

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<p>1 Q What was that related to?</p> <p>2 A That was related to a negligent security case.</p> <p>3 Q And this is one of the cases in which you were</p> <p>4 testifying on behalf of -- or as an expert</p> <p>5 witness?</p> <p>6 A Correct.</p> <p>7 Q Who were you testifying on behalf of?</p> <p>8 A Laureate, it's a medical center, medical complex,</p> <p>9 in Tulsa, Oklahoma.</p> <p>10 Q What areas were you providing expert witness on?</p> <p>11 A The case related to this particular organization</p> <p>12 being sued civilly for negligent security, and I</p> <p>13 did an assessment, and it was my opinion that</p> <p>14 their security wasn't negligent, and so I was</p> <p>15 deposed in that case.</p> <p>16 Q Did you provide any kind of an expert report or</p> <p>17 anything like that?</p> <p>18 A Nothing in writing, no.</p> <p>19 Q What court was that case brought in?</p> <p>20 A I don't know the exact jurisdiction. I know it</p> <p>21 was deposed in Tulsa, Oklahoma.</p> <p>22 Q Did you have legal counsel for your work in that</p> <p>23 case?</p> <p>24 A I did.</p> <p>25 Q Who was that?</p>	<p>1 A Michael Ray Cummings.</p> <p>2 Q And your date of birth?</p> <p>3 A 4/1/52.</p> <p>4 Q Can I get your home address?</p> <p>5 A 212 West Davenport Street, Elkhorn,</p> <p>6 Wisconsin 53121.</p> <p>7 Q How long have you lived at that address?</p> <p>8 A A little over three years.</p> <p>9 Q Can we talk about your education, starting with</p> <p>10 your graduation from high school?</p> <p>11 A Graduated from Custer High School in Milwaukee in</p> <p>12 1970, attended Marquette University, and graduated</p> <p>13 from Marquette in 1974 with a bachelor's degree.</p> <p>14 Somewhere in the early '90s, I did all my master's</p> <p>15 coursework from Webster University with a dual</p> <p>16 major in security management and human resources,</p> <p>17 and just recently, after completing all the</p> <p>18 coursework, just recently actually currently</p> <p>19 enrolled in the Capstone course to get my</p> <p>20 master's.</p> <p>21 Q Just a couple follow-ups on that. You said</p> <p>22 Marquette in '74 with a bachelor's degree?</p> <p>23 A Yes.</p> <p>24 Q What was the major that --</p> <p>25 A I had a double major in history and political</p>
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<p>1 A Barkley Law Firm.</p> <p>2 Q And where are they located?</p> <p>3 A In Tulsa.</p> <p>4 Q Can you spell Barkley for me?</p> <p>5 A B-a-r-k-l-e-y.</p> <p>6 Q Have you ever been convicted of a crime before?</p> <p>7 A No.</p> <p>8 Q I'm going to go over some ground rules. It will</p> <p>9 probably sound familiar from your deposition in</p> <p>10 October. As we're taking testimony today, the</p> <p>11 court reporter can only take down one of us at a</p> <p>12 time, so I will try not to speak over you if you</p> <p>13 will do the same for me. If you don't understand</p> <p>14 a question that I'm asking, please let me know,</p> <p>15 and I'll try to phrase it in a way that you do</p> <p>16 understand. If you answer a question that I ask,</p> <p>17 I'm going to assume you understood what I meant;</p> <p>18 is that fair?</p> <p>19 A It is.</p> <p>20 Q Just as you were giving testimony before, we need</p> <p>21 oral answers as opposed to head nods or uh-huhs so</p> <p>22 that we know the record is clear as far as what</p> <p>23 you're testifying to that; is that fair?</p> <p>24 A It is.</p> <p>25 Q Can I get your full name for the record?</p>	<p>1 science.</p> <p>2 Q And then the master's program that you were in</p> <p>3 with Webster University, that was completed when?</p> <p>4 A The coursework, probably the mid '90s. I don't</p> <p>5 really recall, and I moved and wasn't able to</p> <p>6 drive down to Chicago readily, so I put it on</p> <p>7 hold, and now they offer it online.</p> <p>8 Q That work is complete now, you said?</p> <p>9 A I'm enrolled for the final course.</p> <p>10 Q There was something about Keystone --</p> <p>11 A Capstone, I just mean the final course, the</p> <p>12 Capstone course, which basically is your large</p> <p>13 project to complete the master's.</p> <p>14 Q Great. You are currently employed by Aurora; is</p> <p>15 that right?</p> <p>16 A Correct.</p> <p>17 Q And when did you start working for Aurora?</p> <p>18 A I was hired as the director of security for</p> <p>19 Mount Sinai Medical Center just prior to</p> <p>20 Mount Sinai joining with St. Luke's and</p> <p>21 Good Samaritan to form Aurora, and that was in</p> <p>22 July of 1987.</p> <p>23 Q And going backwards from that point, where did you</p> <p>24 work prior to Mount Sinai?</p> <p>25 A For the previous six months, approximately, I had</p>

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<p>1 worked for Sak's Fifth Avenue as their manager of</p> <p>2 loss prevention in Chicago. Prior to that, for a</p> <p>3 year and a half, I was the assistant director of</p> <p>4 security at Mount Sinai, and prior to that, I</p> <p>5 worked for Marshall Fields, both in Wisconsin and</p> <p>6 in Chicago for 13 years.</p> <p>7 Q And that takes you basically back to the point in</p> <p>8 time at which you graduated from Marquette?</p> <p>9 A Actually, I started with Fields in '73 when I was</p> <p>10 in my senior year.</p> <p>11 Q You said you started with Mount Sinai July of</p> <p>12 1987?</p> <p>13 A As the director, yes.</p> <p>14 Q Director of what?</p> <p>15 A Security.</p> <p>16 Q Prior to that, did you hold any positions with</p> <p>17 Mount Sinai?</p> <p>18 A Yes, I had been the assistant director from</p> <p>19 approximately March of 1985 until late fall of</p> <p>20 '86.</p> <p>21 Q As the director of security with Mount Sinai, what</p> <p>22 were your basic job duties?</p> <p>23 A Basically overseeing the security program for</p> <p>24 Mount Sinai Medical Center, setting security</p> <p>25 policy. I did have operational responsibilities</p>	<p>1 A Correct.</p> <p>2 Q And after that initial change and the change in</p> <p>3 which it became sort of a corporate-wide position,</p> <p>4 have you -- has your position changed since then?</p> <p>5 A It has in scope and the responsibilities with the</p> <p>6 various different types of delivery of health care</p> <p>7 services that Aurora has done over the years. My</p> <p>8 job to provide security in those different</p> <p>9 environments has changed. I also approximately</p> <p>10 became responsible for employee health and</p> <p>11 wellness at Aurora as well. So that was a</p> <p>12 separate add-on.</p> <p>13 Q What does employee health and wellness encompass?</p> <p>14 A It's the department that takes care of a lot of</p> <p>15 our employees, our caregivers, for their health</p> <p>16 needs, manager the leave of absence process,</p> <p>17 manages the preventative wellness things like flu</p> <p>18 shots, the internal health situation for our</p> <p>19 caregivers.</p> <p>20 Q My notes indicate that your current title is the</p> <p>21 director of security and loss prevention for</p> <p>22 Aurora; is that correct?</p> <p>23 A Yeah, or it's director of loss prevention</p> <p>24 services. It's mentioned both ways.</p> <p>25 Q And how long have you been in the position as it</p>
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<p>1 as well for regular routine security functions,</p> <p>2 guard staffing, policy development, those sorts of</p> <p>3 things.</p> <p>4 Q And after Aurora -- you said Mount Sinai became a</p> <p>5 part of the Aurora system about six months after</p> <p>6 you became the director?</p> <p>7 A Somewhere around there, about October is actually</p> <p>8 when it was formed.</p> <p>9 Q Did your job title change?</p> <p>10 A Yeah. For about the first six months, the three</p> <p>11 of us that had the top job, and the titles were</p> <p>12 different for the three hospitals, all reported to</p> <p>13 the same vice president. And then sometime in</p> <p>14 early 1988, a decision was made to merge the</p> <p>15 department into a single department, and I was</p> <p>16 appointed director to oversee the entire -- the</p> <p>17 title initially was titled a little differently.</p> <p>18 It was corporate manager of loss prevention, and</p> <p>19 then later on it changed to director.</p> <p>20 Q When you say the whole thing, are you talking of</p> <p>21 the whole Aurora system?</p> <p>22 A Correct. At that time, it was just pretty much</p> <p>23 the three hospitals.</p> <p>24 Q And then since then, many other facilities have</p> <p>25 joined the Aurora system; is that right?</p>	<p>1 has been titled one of those two ways?</p> <p>2 A I think 1989 is when the title from corporate</p> <p>3 manager to director changed.</p> <p>4 Q And has the scope of that position changed since</p> <p>5 1989?</p> <p>6 A Yes. As indicated with all the different types of</p> <p>7 ways that we deliver health care, it has changed</p> <p>8 in terms of having to direct a security program</p> <p>9 that provides security in those different formats.</p> <p>10 Q We'll go into this in a little bit more detail,</p> <p>11 but just sort of as a thumbnail sketch of your</p> <p>12 job, you are the head of security for the entire</p> <p>13 Aurora system; is that a fair way to describe it?</p> <p>14 A It is.</p> <p>15 (Exhibit No. 1 marked for</p> <p>16 identification)</p> <p>17 Q I'll show you this. Before I have you take a look</p> <p>18 at that, just one follow-up question. So you've</p> <p>19 been the head of security for Aurora for at least</p> <p>20 the period 2007 through present; is that correct?</p> <p>21 A That's correct.</p> <p>22 Q I'm showing you what has been marked as Exhibit 1</p> <p>23 for today's deposition. Have you seen this</p> <p>24 document before?</p> <p>25 A Yes.</p>

4 (Pages 10 to 13)

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<p>1 Q And this is the notice for today's deposition.</p> <p>2 Have you reviewed this document prior to today?</p> <p>3 A I don't recall. I believe so.</p> <p>4 Q And as I understand things from your counsel, you</p> <p>5 are going to be testifying as to topics numbers 2,</p> <p>6 3, 6, and 9, as well as topic 1 as it relates to</p> <p>7 the organizational structure of Aurora's security</p> <p>8 officers; is that your understanding as well?</p> <p>9 A Yes, it is.</p> <p>10 Q And you understand that you've been designated by</p> <p>11 Aurora as the person most qualified to discuss</p> <p>12 those topic areas, correct?</p> <p>13 A Yes.</p> <p>14 Q Let's just start with topic area number 2, which</p> <p>15 is the job duties and the number of Aurora</p> <p>16 security officers during the period beginning</p> <p>17 three years prior to the filing of the lawsuit to</p> <p>18 the present day. What qualifies you to testify as</p> <p>19 to that topic area?</p> <p>20 A I'm responsible for establishing the budget for</p> <p>21 this department, as well as for oversight, and so</p> <p>22 in the budgetary process, I would request a</p> <p>23 commensurate number of staff to do the job, and it</p> <p>24 would need to be approved or not approved.</p> <p>25 Q And you're qualified to testify as to the job</p>	<p>1 human resources and senior leadership decision in</p> <p>2 terms of compensation policy.</p> <p>3 Q If there was one person that you could identify as</p> <p>4 the person who would be most responsible for that,</p> <p>5 who would that be?</p> <p>6 MR. SCULLEN: Can I just -- I'm</p> <p>7 going to object as to vague. I think asking</p> <p>8 broadly what person sets the compensation, do</p> <p>9 you mean for an individual, which aspects?</p> <p>10 There may be different individuals involved</p> <p>11 in setting compensation aspects. I'm not</p> <p>12 sure he's competent to testify to that.</p> <p>13 Q Do you understand my question?</p> <p>14 A I would ask you to repeat it.</p> <p>15 (Question read)</p> <p>16 A Who is the that?</p> <p>17 Q The that would be setting the compensation policy</p> <p>18 for security officers in the Aurora system?</p> <p>19 A I don't know that I could give a single name.</p> <p>20 Q If it was more than one person, who would the</p> <p>21 people in that group be?</p> <p>22 MR. SCULLEN: I'm just going to</p> <p>23 object as to vague with regard to, again, the</p> <p>24 compensation policy. I think you need to</p> <p>25 break it down to be fair.</p>
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<p>1 duties of the security officers based on what?</p> <p>2 A My review and knowledge of their job descriptions,</p> <p>3 as it's one of the department positions that</p> <p>4 ultimately reports up to me.</p> <p>5 Q And topic area number 3 is Aurora's manner of</p> <p>6 compensating its security officers during the</p> <p>7 period beginning three years prior to the filing</p> <p>8 of this lawsuit to the present day, including any</p> <p>9 changes made to the manner of compensation during</p> <p>10 that period. Again, can you give me your</p> <p>11 qualifications to testify to that topic area?</p> <p>12 A Somewhat the same. I have responsibility for the</p> <p>13 budget for the loss prevention department, and as</p> <p>14 such, I need to be familiar with how our folks are</p> <p>15 being compensated.</p> <p>16 Q And I keep using the term security officers. Is</p> <p>17 that the correct --</p> <p>18 A Yes. We either use security or loss prevention</p> <p>19 officers, either one.</p> <p>20 Q In terms of the compensation policy that Aurora</p> <p>21 has for paying its security or loss prevention</p> <p>22 officers, do you set that policy?</p> <p>23 A No.</p> <p>24 Q Who does that?</p> <p>25 A That is primarily a compensation department and</p>	<p>1 MR. PARSONS: Fair enough.</p> <p>2 Q Let me try to ask it this way. In terms of how</p> <p>3 much security officers get paid throughout the</p> <p>4 Aurora system, is that a corporate-wide decision</p> <p>5 that a person makes or a group of people make?</p> <p>6 A So their hourly rate?</p> <p>7 Q Yes.</p> <p>8 A That would be assessed by the compensation</p> <p>9 department, and then ultimately approved at a</p> <p>10 higher level.</p> <p>11 Q Who's the head of the compensation department?</p> <p>12 A The manager of the compensation department is</p> <p>13 Mark Roundtree.</p> <p>14 Q And Mr. Roundtree is the highest, as managers, the</p> <p>15 highest-ranking person of the compensation</p> <p>16 department?</p> <p>17 A Compensation specifically, he reports to the</p> <p>18 director of compensation and benefits.</p> <p>19 Q And who is that?</p> <p>20 A Kathy Klobuchar.</p> <p>21 Q So moving on then to topic number 6, which is</p> <p>22 Aurora's policies and practices regarding meal</p> <p>23 periods, including the tracking and payment for</p> <p>24 on-duty meal periods, the identity of any</p> <p>25 individuals who participated in setting those</p>

5 (Pages 14 to 17)

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<p>1 policies, the materials or advice relied in</p> <p>2 setting those policies, and any efforts taken by</p> <p>3 Aurora to ensure that these policies remain in</p> <p>4 compliance with Wisconsin and federal wage and</p> <p>5 hour laws.</p> <p>6 A It is.</p> <p>7 Q That's a lot, so let's break that down.</p> <p>8 MR. SCULLEN: As a result, it's</p> <p>9 also going to be covered by more than just</p> <p>10 Mr. Cummings. We've also identified</p> <p>11 Ms. Faucett to testify with regard to aspects</p> <p>12 of that. In particular, as it relates to</p> <p>13 other things other than security officers.</p> <p>14 MR. PARSONS: We'll just put on the</p> <p>15 record then that Mr. Cummings will testify to</p> <p>16 a portion of this, and there may be other</p> <p>17 witnesses who testify as well.</p> <p>18 Q Breaking this down, Aurora's policies and</p> <p>19 practices regarding meal periods including the</p> <p>20 tracking and payment for on-duty meal periods;</p> <p>21 what qualifies you to testify to that topic?</p> <p>22 A The fact that these officers report to me, and</p> <p>23 again, they're a part of my budget which I'm</p> <p>24 responsible for.</p> <p>25 Q Do you set the policy and practice regarding meal</p>	<p>1 higher level.</p> <p>2 Q So the departments that would be involved are the</p> <p>3 compensation department, the human resources</p> <p>4 department, and then ultimately those recommended</p> <p>5 changes would have to be approved higher up?</p> <p>6 A Correct.</p> <p>7 Q And when you say higher up, what do you mean?</p> <p>8 A Depending on the nature of the change, it could be</p> <p>9 the office of the president or some of those</p> <p>10 senior leaders in the organization. I'm not sure</p> <p>11 who all has hands-on each of those decisions.</p> <p>12 Q The second sentence there reads, the identity of</p> <p>13 any individuals who participated in setting those</p> <p>14 policies. Do you know who those individuals would</p> <p>15 be?</p> <p>16 A Not by name.</p> <p>17 Q Do you know what departments those would be?</p> <p>18 A Again, it would be compensation, human resources,</p> <p>19 and then ultimately senior leadership.</p> <p>20 Q And I'm assuming based on the comment from counsel</p> <p>21 that you may not be the most competent person</p> <p>22 today to testify on the identity of the</p> <p>23 individuals setting those policies; is that</p> <p>24 correct?</p> <p>25 A I would believe that's true.</p>
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<p>1 periods for security officers?</p> <p>2 A I do not.</p> <p>3 Q Who does that?</p> <p>4 A The overall practice is set and is reflected in</p> <p>5 our handbook in various policies not established</p> <p>6 by me specifically.</p> <p>7 Q Who is the person or if there's more than one</p> <p>8 person who has the ability to change those</p> <p>9 policies and practices in the handbook that you</p> <p>10 just referenced?</p> <p>11 A I don't know that I could give you, again, a</p> <p>12 single name because of the complexity -- depending</p> <p>13 on the level of the change, who would be</p> <p>14 ultimately responsible for approving it based on</p> <p>15 recommendations that would come from the</p> <p>16 compensation department.</p> <p>17 Q In terms of the meal policies and practices as</p> <p>18 they currently exist, who is in charge of those</p> <p>19 policies?</p> <p>20 A By in charge, do you mean who manages and</p> <p>21 publishes and who makes the decision?</p> <p>22 Q I mean more interested in who makes the decision.</p> <p>23 A Again, it would probably be multiple. It would be</p> <p>24 recommended by compensation and human resources,</p> <p>25 and then ultimately, the policy is approved at a</p>	<p>1 (Discussion off the record)</p> <p>2 Q The next part of that sentence reads, the</p> <p>3 materials or advice relied on in setting those</p> <p>4 policies. I'm assuming, again, that that would</p> <p>5 not be an area that you're going to be testifying</p> <p>6 on today; is that correct?</p> <p>7 A Correct.</p> <p>8 Q Then the last part is any efforts taken by Aurora</p> <p>9 to ensure that these policies remain in compliance</p> <p>10 with Wisconsin and federal wage and hour laws. Do</p> <p>11 you have any competency to testify on that</p> <p>12 particular issue?</p> <p>13 A Just to the point that in my role reporting in the</p> <p>14 human resources department overall that I have --</p> <p>15 I'm aware that the human resources department</p> <p>16 works very diligently to ensure that all of our</p> <p>17 policies are in compliance with both state and</p> <p>18 federal law. I've been at meetings where that has</p> <p>19 been an issue, so I'm aware of that. To that</p> <p>20 degree is what I could testify to.</p> <p>21 Q And you don't have any compliance responsibility</p> <p>22 yourself personally, do you?</p> <p>23 A That's correct, I don't.</p> <p>24 Q Then topic area number 9 is Aurora's policy and</p> <p>25 practice of reporting and recording work hours and</p>

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<p>1 overtime hours as those practices relate to</p> <p>2 security officers during the period beginning</p> <p>3 three years prior to the lawsuit to the present</p> <p>4 day. What qualifies you to testify as to that</p> <p>5 issue?</p> <p>6 A Having responsibility for the loss prevention</p> <p>7 department, it would be my responsibility to, as</p> <p>8 best as I can, ensure that our security staff is</p> <p>9 meeting the intent and the spirit of the policy</p> <p>10 and any law relative to overtime or worked hours.</p> <p>11 Q Are you the person who would be responsible for</p> <p>12 setting the policy and practices of Aurora's</p> <p>13 security guards or officers in terms of reporting</p> <p>14 and recording their work hours?</p> <p>15 A Are you talking about -- by recording, are you</p> <p>16 talking about on the macro level where they get</p> <p>17 paid, or are you talking about recording to the</p> <p>18 point that I may set additional policy or</p> <p>19 procedure within the department to make sure that</p> <p>20 I'm understanding where overtime is occurring,</p> <p>21 those sorts of things?</p> <p>22 Q Those are two good areas. I'm interested in both.</p> <p>23 On a macro level, let's start there.</p> <p>24 A And the question was whether I set the policy?</p> <p>25 Q Correct.</p>	<p>1 corporate-wide organizational structure during the</p> <p>2 period of three years prior to the filing of the</p> <p>3 lawsuit to present. As I understand things from</p> <p>4 your counsel, you are not the sole witness</p> <p>5 designated to testify as to Aurora's</p> <p>6 corporate-wide organizational structure, but that</p> <p>7 you, but that you are going to be able to testify</p> <p>8 as to the organizational structure of the security</p> <p>9 or loss prevention department; is that correct?</p> <p>10 A That's correct.</p> <p>11 Q And again, what qualifies you to testify as to</p> <p>12 this subject?</p> <p>13 A As the director of loss prevention, I'm</p> <p>14 responsible to organize the department in such a</p> <p>15 way to meet our mission and complete the work that</p> <p>16 we're tasked to do.</p> <p>17 Q Those are all the questions I have for you on</p> <p>18 Exhibit 1.</p> <p>19 (Discussion off the record)</p> <p>20 Q In a large scale sense, what does Aurora do?</p> <p>21 A Aurora provides health care delivery in a number</p> <p>22 of different formats, ways to the population of</p> <p>23 basically eastern Wisconsin and southern Illinois.</p> <p>24 Q Did you say southern Illinois?</p> <p>25 A I mean, northern Illinois. Thank you.</p>
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<p>1 A No, I don't set the policy on a macro level in</p> <p>2 terms of how officers record their time to make</p> <p>3 sure that they're paid appropriately. That would</p> <p>4 be elsewhere.</p> <p>5 Q And when you say elsewhere, that would be what</p> <p>6 department?</p> <p>7 A Again, policies would probably be set between</p> <p>8 payroll and human resources ultimately to make</p> <p>9 sure it's compliant with the law.</p> <p>10 Q Then you mentioned a second area, which was beyond</p> <p>11 the macro level?</p> <p>12 A Sure. It would be my responsibility or I have</p> <p>13 opportunity to put in additional, for lack of a</p> <p>14 better term, controls or request reports that I</p> <p>15 can see where overtime is being used, and that</p> <p>16 people are accurately signing and getting paid for</p> <p>17 the hours they're working, and that would control</p> <p>18 the budget that I'm responsible for.</p> <p>19 Q And that function has things to do with your</p> <p>20 managerial role in terms of making sure you have</p> <p>21 proper staffing levels and nobody is working too</p> <p>22 many hours of overtime, and things like that?</p> <p>23 A Correct.</p> <p>24 Q Then the last topic area that we mentioned was</p> <p>25 topic area number 1, which is Aurora's</p>	<p>1 Q That was my next question. Aurora operates in</p> <p>2 Wisconsin and Illinois; any other states?</p> <p>3 A No.</p> <p>4 Q If you know the answer to this question, as I</p> <p>5 understand it, Aurora has a couple of different</p> <p>6 corporate names that it operates under. Do you</p> <p>7 work for one particular corporate Aurora? That's</p> <p>8 a poor way to say that. What's the precise name</p> <p>9 of the company that you work for?</p> <p>10 A I think it's just Aurora Health Care.</p> <p>11 Q And that's Aurora Health Care, Incorporated?</p> <p>12 A Yes, Inc.</p> <p>13 Q Do you know of any other Aurora Health Care</p> <p>14 corporate names or identities that it does</p> <p>15 business as?</p> <p>16 A You're talking about our organization?</p> <p>17 Q Or outside of your organization.</p> <p>18 A So I don't know if you're referring to like the</p> <p>19 for-profits part ventures, or the business entity</p> <p>20 that we have with BayCare, which is co-owned with</p> <p>21 physicians, if that's what you're referring to.</p> <p>22 Q That's helpful. I think maybe I'll come back to</p> <p>23 some of these questions with another witness.</p> <p>24 A Sure.</p> <p>25 Q In your role with security, how many Aurora</p>

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<p>1 facilities are you responsible for managing the</p> <p>2 security of?</p> <p>3 A Well, on one hand, I'm responsible for the</p> <p>4 security at all of them. We don't staff security</p> <p>5 staff at all of them, however. So we have</p> <p>6 security staff based at all of our 24-hour medical</p> <p>7 centers. In one clinic, we have some security</p> <p>8 staff part-time, our largest clinic in Sheboygan.</p> <p>9 Those are the sites that we have in some of our</p> <p>10 corporate buildings. What we call the corporate</p> <p>11 campus near St. Louis is provided directly by our</p> <p>12 St. Luke's staff. Technically, I have</p> <p>13 responsibility for assisting security at all of</p> <p>14 our sites. We just don't necessarily have staff</p> <p>15 at all of our sites.</p> <p>16 Q Understood. What are the locations, let's start</p> <p>17 with the 24-hour locations, where Aurora provides</p> <p>18 security services?</p> <p>19 A Name them?</p> <p>20 Q Yes, please.</p> <p>21 A Our newest south market hospital is Summit.</p> <p>22 We have Lakeland Medical Center. We have</p> <p>23 Burlington Hospital, medical center. We have</p> <p>24 Kenosha. In the mid market, we have St. Luke's,</p> <p>25 Aurora/St. Luke's Medical Center and St. Luke's</p>	<p>1 in -- lives in, resides in.</p> <p>2 Q Go ahead.</p> <p>3 A The clinic that we provide minimal hours to is in</p> <p>4 Sheboygan. It's the main clinic in Sheboygan.</p> <p>5 Q What city is Summit in?</p> <p>6 A I believe it's in Summit.</p> <p>7 Q Approximately where in Wisconsin is Summit?</p> <p>8 A It's just off I-94 going west towards Madison,</p> <p>9 probably about 15 miles from Milwaukee.</p> <p>10 MR. SCULLEN: You can see it on</p> <p>11 your way home.</p> <p>12 Q So the list that I have then for the 24-hour</p> <p>13 locations is 13; is that correct?</p> <p>14 A That's what we just said. Did I miss any? I</p> <p>15 think it's more than that. I think it's 15.</p> <p>16 Q Could you give me the number? How many 24-hour</p> <p>17 facilities does Aurora provide security for?</p> <p>18 MR. SCULLEN: Why don't you list</p> <p>19 them. I think he has testified on the record</p> <p>20 14.</p> <p>21 A When I said 15, maybe I was thinking of the</p> <p>22 clinic.</p> <p>23 Q Then in addition to these 14 locations that you've</p> <p>24 identified, there's also the Sheboygan clinic. Is</p> <p>25 that one of the 24-hour facilities, or is that</p>
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<p>1 South Shore.</p> <p>2 Q What's the difference between those two locations?</p> <p>3 A I believe that they're the same entity from a</p> <p>4 management standpoint, but they're just at two</p> <p>5 physical different locations.</p> <p>6 Q And when you say St. Luke's, is that the</p> <p>7 St. Luke's on 27th Street?</p> <p>8 A It is.</p> <p>9 Q And then the St. Luke's South Shore is where?</p> <p>10 A In Cudahy. Aurora Sinai Medical Center, our</p> <p>11 medical center in West Allis, in Hartford, our</p> <p>12 facilities at Aurora Psychiatric Hospital and the</p> <p>13 Zilber Hospice, which are on the same grounds.</p> <p>14 Q And where is that?</p> <p>15 A That's in Wauwatosa.</p> <p>16 Q So there's a psychiatric facility and the</p> <p>17 Zilber Hospice?</p> <p>18 A Zilber, Z-i-l-b-e-r.</p> <p>19 Q And both of those are in West Allis?</p> <p>20 A Wauwatosa. I said Hartford. Moving up, the new</p> <p>21 hospital that just opened in Grafton. We have</p> <p>22 Oshkosh, Sheboygan, Manitowoc, and BayCare in</p> <p>23 Green Bay. I think I've got them all.</p> <p>24 Q I have Elkhorn on my list?</p> <p>25 A That's Lakeland. Elkhorn is the city it lives</p>	<p>1 something different?</p> <p>2 A No. We just have security staff there a minimal</p> <p>3 amount of hours in the evening, Monday through</p> <p>4 Friday. I think four hours in the evening I think</p> <p>5 is how we're staffing it.</p> <p>6 Q You said something about the corporate offices,</p> <p>7 that there's some security at those?</p> <p>8 A The security at what we call the corporate campus,</p> <p>9 is the Ohio building in Forest Home, are serviced</p> <p>10 by the St. Luke's staff because there's they're</p> <p>11 just a block or so north of there. Then the other</p> <p>12 place that we do have some security coverage is</p> <p>13 our family services offices on Highland Avenue.</p> <p>14 We have a security officer there now that's</p> <p>15 relatively new. It's not 24-hour, though.</p> <p>16 Q Are there abbreviations for all of these</p> <p>17 facilities?</p> <p>18 A Yes.</p> <p>19 Q Is there a document that lists all of the</p> <p>20 facilities that Aurora provides security for and</p> <p>21 with the abbreviations for each of those</p> <p>22 locations?</p> <p>23 A I'm sure there is.</p> <p>24 Q What would it be if you were thinking of this</p> <p>25 document?</p>

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<p>1 A It would probably be on our website, I would 2 think. It certainly would be within our internal 3 documents relative to our nomenclature for all of 4 these sites. 5 Q As far as internal documents because I'm doubting 6 that there would be abbreviations on the website, 7 what type of a document would that be? 8 A It would be an organizational chart because that 9 was the first one that comes to mind. Most of 10 them start with Aurora Medical Center, AMC, and 11 then the location in some way, shape, or form. 12 (Exhibit No. 2 marked for 13 identification) 14 Q I've showed you what has been marked as Exhibit 15 No. 2. At the bottom, it's labeled with a bates 16 stamp number AUR-JB 19, 20, 21, 22, 23, and 24; do 17 you see that? 18 A Yes. 19 Q Do you know what these documents are? 20 A They are org charts of -- the first one is who I 21 report to, and the rest of them are org charts 22 related to parts of my department. 23 Q Do any of these documents contain the 24 abbreviations or the listing of locations that you 25 were referencing before?</p>	<p>1 MR. PARSONS: That's fair enough. 2 Q I'm just trying to be clear. Let me break it up. 3 Have you seen a document that lists all of the 4 Aurora locations where Aurora provides security 5 services? 6 A Not specifically that way other than my org chart, 7 which doesn't necessarily have the names of the 8 sites on it, but like this document just has the 9 responsibilities by area, and I could identify by 10 name which sites. 11 Q When you say my org chart, what are you talking 12 about. 13 A I'm talking about the organizational chart that 14 reflects the loss prevention services department. 15 Q And so that is something different than Exhibit 2; 16 is that right? 17 A Yes. I have one just for my own purposes that 18 goes maybe a little deeper just so it's not 19 necessarily numbered, but it says officers below 20 it. So it's just laid out a little different. 21 It's no different in terms of the information. 22 Q Thank you. That's what I wanted to know. Do you 23 know how many security officers Aurora currently 24 employs? 25 A For 2010, I budget for 142 FTEs. Generally</p>
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<p>1 A They don't appear to. 2 Q Are you thinking of a different document when you 3 said perhaps the org charts would list the 4 abbreviations and locations? 5 A I was thinking of a system-wide org chart that had 6 the names of the site administrators or that sort 7 of level. 8 Q Have you seen that document, or are you just sort 9 of thinking of it? 10 A I'm just thinking of it. I'm not really big on 11 org charts. 12 Q Have you seen a document that has the listing of 13 the locations and the abbreviations? 14 MR. SCULLEN: I'm going to object 15 as to vague. There may be abbreviations for 16 different purposes. I don't think that he 17 has testified that he's aware of any 18 particular document. If there are, it seems 19 to me that that's something -- you can 20 continue to ask him, but I think he has 21 testified he's not aware of any specific 22 document. I'm not clear what abbreviations 23 you're talking about. There may be 24 different, for instance, for payroll purposes 25 and other purposes.</p>	<p>1 speaking, we usually have approximately 20 more 2 actual bodies than FTEs because we have 3 part-timers and per diems. So for budgetary 4 purposes, I know my FTEs, and we split up those 5 FTEs as needed on a site, and on a regional level, 6 to fit the needs of the department in terms of 7 staffing. 8 Q Can you tell me what an FTE is? 9 A Full-time equivalent or working 80 hours in a 10 two-week pay period. 11 Q That's how Aurora defines its full-time equivalent 12 for security officers? 13 A Correct. 14 Q In terms of the 142 full-time equivalent 15 employees, can you give me a breakdown as to how 16 many of those work at the Burlington location? 17 A Burlington would be, I believe -- that includes 18 leadership. Are you talking about just officer 19 staff and uniform staff, which is officers and 20 sergeants, or are you talking about leadership? 21 Q What do you mean by leadership? 22 A Supervisors and above, supervisors and managers. 23 Q Let's just talk about officers and sergeants 24 first. Why don't you sort of break it down? If I 25 say how many at Burlington, if you could tell me</p>

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<p>1 how many officers, how many sergeants, and then</p> <p>2 how many supervisors.</p> <p>3 A So for Burlington, I believe it's 8.4 FTEs, and of</p> <p>4 that 8.4, one would be a sergeant. Then we have a</p> <p>5 supervisor that is responsible for three hospitals</p> <p>6 in the south region. So if you want to call it a</p> <p>7 third of an FTE, it would be his responsibility.</p> <p>8 Q What's that individual's name?</p> <p>9 A Jim Sagan, James Sagan.</p> <p>10 Q S-a-g-a-n?</p> <p>11 A Correct.</p> <p>12 Q Same question for the Lakeland facility?</p> <p>13 A The answer would be the same, 8.4, inclusive of</p> <p>14 the sergeant, and then James Sagan also has</p> <p>15 supervisory responsibility.</p> <p>16 Q Just so I understand your question, inclusive of</p> <p>17 the sergeant, it's 7.4 officers and then one</p> <p>18 sergeant?</p> <p>19 A Correct.</p> <p>20 Q Same question for West Allis?</p> <p>21 A I believe West Allis is approximately 22 FTEs,</p> <p>22 inclusive of three sergeants.</p> <p>23 Q And the supervisor for -- is there a supervisor?</p> <p>24 A There is a supervisor specific to West Allis, and</p> <p>25 her name is Verrita Hill.</p>	<p>1 A 8.4, sergeant is Duane Hanson.</p> <p>2 Q Is that the supervisor or the sergeant?</p> <p>3 A That's the sergeant. There's no supervisor on</p> <p>4 that site. The manager for the south market is</p> <p>5 officed out of there. He has kind of a dual role,</p> <p>6 and his name is Clint Schaefer. And I would like</p> <p>7 to correct something. I misspoke. Both Elkhorn,</p> <p>8 and yeah, Lakeland and Burlington, that would be</p> <p>9 4.2, not 8.4. We only have one officer there</p> <p>10 seven by 24.</p> <p>11 Q Say that again. So the Lakeland facility only has</p> <p>12 one officer, not 8.4?</p> <p>13 A Correct, 4.2 would be it then. I'm sorry.</p> <p>14 Q And Burlington has --</p> <p>15 A 4.2.</p> <p>16 Q One officer?</p> <p>17 A Yes.</p> <p>18 Q When you're saying 4.2?</p> <p>19 A FTEs.</p> <p>20 Q When you're saying 4.2, that means at all times</p> <p>21 during the 24-hour period, there is one officer?</p> <p>22 A Correct.</p> <p>23 Q And that's 4.2? It's not 4.2 people at the same</p> <p>24 time, it's total?</p> <p>25 A Total.</p>
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<p>1 Q And then the St. Luke's facility on 27th Street?</p> <p>2 A My best guess, by guess I'm saying, except at</p> <p>3 budget time, that's when you look at the exact</p> <p>4 allocation, I'm thinking 30s, 34, 35 FTEs, and</p> <p>5 that's also inclusive of three sergeants.</p> <p>6 Q And is there a supervisor for that facility?</p> <p>7 A There is, and his name is John Dobrzynski.</p> <p>8 Q And then the St. Luke's South Shore facility?</p> <p>9 A 9.4, I believe. We do switch people back and</p> <p>10 forth between Luke's and South Shore from time to</p> <p>11 time, 9.4, inclusive of a sergeant, and</p> <p>12 John Dobrzynski also has supervisory</p> <p>13 responsibility for that site.</p> <p>14 Q Same question for Hartford?</p> <p>15 A Hartford would be 8.4. There is no sergeant. The</p> <p>16 supervisor is William Juedes.</p> <p>17 Q For the Sinai facility?</p> <p>18 A Approximately 30, and that would be inclusive</p> <p>19 of three sergeants, and the supervisor is</p> <p>20 Arthur Smith.</p> <p>21 Q And the Kenosha facility?</p> <p>22 A That would be 8.4, inclusive of one sergeant.</p> <p>23 Q And the supervisor?</p> <p>24 A That would be James Sagan.</p> <p>25 Q The Summit facility?</p>	<p>1 Q And that sort of descriptive way is the way you've</p> <p>2 been describing all of these facilities?</p> <p>3 A Correct.</p> <p>4 Q So that was Summit, and then the psych and Zilber,</p> <p>5 does it make sense to put those two together in</p> <p>6 terms of describing it?</p> <p>7 A Yes, it does. Staffing is a little different. We</p> <p>8 don't have first shift staff on Zilber dedicated</p> <p>9 to that particular building, but they're supported</p> <p>10 by the Aurora psychiatric security staff, which is</p> <p>11 on the grounds. So it's a little different model.</p> <p>12 Q Can you describe it to me the easiest way?</p> <p>13 A Sure. At Zilber we have one officer on duty,</p> <p>14 basically second and third shift and weekends, and</p> <p>15 then at the psychiatric facility, which is also on</p> <p>16 the same grounds but a different set of buildings,</p> <p>17 we have one person seven by 24.</p> <p>18 Q So that would be 4.2?</p> <p>19 A Correct, and then we have a supervisor that</p> <p>20 oversees that whole complex.</p> <p>21 Q And who is that supervisor?</p> <p>22 A Christopher Kukec.</p> <p>23 Q Same question for the Grafton facility?</p> <p>24 A 8.4, and that is inclusive of a sergeant named</p> <p>25 Jeff Nicols, N-i-c-o-l-s. And the supervisor</p>

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<p>1 right now, we have an interim supervisor named</p> <p>2 Ian O'Connell.</p> <p>3 Q Same question for Oshkosh?</p> <p>4 A Oshkosh, 8.4, and the supervisor is Mike Brown.</p> <p>5 Q Same question for Manitowoc?</p> <p>6 A Manitowoc is 4.2.</p> <p>7 Q And then BayCare?</p> <p>8 A BayCare is 8.4.</p> <p>9 Q I'm sorry, who's the supervisor in Manitowoc?</p> <p>10 A Like Summit, there's not a supervisor at the</p> <p>11 building. Our regional or market manager</p> <p>12 Bob Des Jarlais' office is that, so he has a dual</p> <p>13 responsibility.</p> <p>14 Q And BayCare, is there a supervisor?</p> <p>15 A Yes, Ryan Phillips.</p> <p>16 Q The Sheboygan clinic, how many security officers?</p> <p>17 A We staff just four hours a day, Monday through</p> <p>18 Friday, in the evening.</p> <p>19 Q The corporate facility, how much security there?</p> <p>20 A They're just serviced by the staff from</p> <p>21 St. Luke's. They don't have a dedicated, specific</p> <p>22 allocation.</p> <p>23 Q Highland Avenue?</p> <p>24 A I believe it's one FTE.</p> <p>25 Q So 4.2?</p>	<p>1 allocation is done?</p> <p>2 A Correct.</p> <p>3 Q All of these supervisors that we just talked about</p> <p>4 for these various locations, do they all report</p> <p>5 directly to you?</p> <p>6 A No.</p> <p>7 Q Are there some that report to an interim person</p> <p>8 before it gets reported to you?</p> <p>9 A Correct. The supervisors all report to one of</p> <p>10 five managers, and then the managers report</p> <p>11 directly to me. I have one supervisor who reports</p> <p>12 directly to me, a specialty area, safety.</p> <p>13 Q Who is that?</p> <p>14 A His name is John Bruce. He doesn't have any</p> <p>15 direct reports, so he doesn't work with officers</p> <p>16 particularly, specifically, and then I have an</p> <p>17 administrative assistant and five managers, and</p> <p>18 then I have a manager for employee health that's</p> <p>19 not part of loss prevention. So those are my</p> <p>20 direct reports.</p> <p>21 Q For purposes of today's deposition, I think I'm</p> <p>22 going to focus on your security. So you have five</p> <p>23 direct reports who are managers who report to you</p> <p>24 regarding security issues; is that right?</p> <p>25 A That's correct.</p>
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<p>1 A No, just during the day, so Monday through Friday</p> <p>2 is what we're doing now.</p> <p>3 Q Is there a document you have that lists all this</p> <p>4 information for these facilities?</p> <p>5 A The only document I could think of would be when I</p> <p>6 do my corporate allocation for budgetary purposes</p> <p>7 and how many FTEs we have on the sites. We do</p> <p>8 that annually.</p> <p>9 Q Do you always do that at the same time of the</p> <p>10 year?</p> <p>11 A Yes, generally.</p> <p>12 Q What time is that?</p> <p>13 A It's usually in the summer months, July, August,</p> <p>14 we put our budgets together.</p> <p>15 Q So that recently was done this July or August of</p> <p>16 2010?</p> <p>17 A Probably, yes.</p> <p>18 Q What would the name of that document be?</p> <p>19 A It would be corporate allocation worksheet or</p> <p>20 corporate allocation designation, something along</p> <p>21 those lines. Finance department asks us to let</p> <p>22 them know how we're allocating the corporate</p> <p>23 resources out to the sites that we support.</p> <p>24 Q It's my understanding then you're the person who</p> <p>25 is making that decision as far as how the</p>	<p>1 Q I'm going to reference you to Exhibit 2 again.</p> <p>2 Are those five individuals listed on any of these</p> <p>3 organizational charts?</p> <p>4 A Yes, they're all on page 20 -- I mean, 20.</p> <p>5 Q And when I look at this, maybe you can help me</p> <p>6 understand it, because I see four people on</p> <p>7 that direct report line, Mary Doherty,</p> <p>8 Robert Des Jarlais, James Moraza, and</p> <p>9 Clint Schaefer. Are all four of those your direct</p> <p>10 report managers?</p> <p>11 A Mary is the employee health one. The five direct</p> <p>12 managers for loss prevention are the three you</p> <p>13 mentioned, Robert Des Jarlais, Jim Moraza,</p> <p>14 Clint Schaefer, and then just down a line,</p> <p>15 Robert Solie and David Wood. A G. David Wood is</p> <p>16 listed here.</p> <p>17 Q And the other three individuals listed on here,</p> <p>18 Mr. Bruce, Ms. Taylor, and Mr. Steffel, those</p> <p>19 folks do not report directly to you?</p> <p>20 A John Bruce does and Carmen Taylor does. Carmen is</p> <p>21 my administrative assistant. John is that safety</p> <p>22 supervisor I mentioned. John Steffel does not</p> <p>23 report directly to me. He reports to Dave Wood.</p> <p>24 Q Then is there a chart in this document that we're</p> <p>25 looking at which describes who reports to the five</p>

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<p>1 managers that you just identified?</p> <p>2 A Yes, I think those are the subsequent pages here.</p> <p>3 21 reports, when I say 21, that's the document</p> <p>4 number on the bottom right, shows the three direct</p> <p>5 reports that report to Bob Des Jarlais in the</p> <p>6 north market area.</p> <p>7 Q And then so on for 22, 23, and 24?</p> <p>8 A That's correct.</p> <p>9 Q So who am I missing here? I've got</p> <p>10 Mr. Des Jarlais, Mr. Moraza, Mr. Schaefer,</p> <p>11 Mr. Solie?</p> <p>12 A Mr. Wood is on the first one. He only has one</p> <p>13 direct report at this time. It's</p> <p>14 Jonathan Steffel. He has a functional area of</p> <p>15 technology.</p> <p>16 Q When we started talking about where Aurora does</p> <p>17 business in, you had mentioned northern Illinois.</p> <p>18 Are any of the facilities that we talked about</p> <p>19 here, are any of those in northern Illinois?</p> <p>20 A No.</p> <p>21 Q What facilities does Aurora operate in northern</p> <p>22 Illinois -- strike that.</p> <p>23 Does Aurora offer or provide security for any</p> <p>24 of its facilities in northern Illinois?</p> <p>25 A Not with any security officer presence. We do so</p>	<p>1 two weeks yet, is on Montana Street. We will be</p> <p>2 moving to Virginia Street. That is our corporate</p> <p>3 headquarters.</p> <p>4 (Recess taken)</p> <p>5 Q Mr. Cummings, just a couple of things I want to</p> <p>6 clear up. When we went through the list of</p> <p>7 locations, and you were describing the number of</p> <p>8 security officers employed at those locations, you</p> <p>9 did so in terms of sort of a 4.2 or an 8.4</p> <p>10 designation for a lot of those facilities; is that</p> <p>11 right?</p> <p>12 A Yes.</p> <p>13 Q And I just want to sort of clear up exactly what</p> <p>14 you mean by that. When you say 4.2, what does</p> <p>15 that mean?</p> <p>16 A That means we're staffing one person seven by 24</p> <p>17 at the site. So it may mean more people, because</p> <p>18 we have part and full-time or even per diem to</p> <p>19 make sure we have that staffing level, but we're</p> <p>20 budgeting for the one person seven by 24.</p> <p>21 Q When you say seven by 24, just to be clear, what</p> <p>22 does that mean?</p> <p>23 A One officer on duty seven days a week, 24 hours a</p> <p>24 day.</p> <p>25 Q When you're talking then about the 8.4</p>
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<p>1 in a kind of consultive way through a supervisor</p> <p>2 or manager if they had issues, that they would</p> <p>3 need to do a consultation on it at this point.</p> <p>4 Q So if I understand that answer, you're saying</p> <p>5 there are no officers who are paid by the hour who</p> <p>6 work in Aurora's northern Illinois facilities?</p> <p>7 A That's true.</p> <p>8 Q There's an Aurora facility that I'm thinking of</p> <p>9 that's on Highway 94 sort of near Johnson Creek?</p> <p>10 A Okay.</p> <p>11 Q Do you know what facility I'm talking about?</p> <p>12 A We're not talking about the Summit hospital, are</p> <p>13 we?</p> <p>14 Q That's Summit.</p> <p>15 A That's pretty close to Johnson Creek. That's the</p> <p>16 one you can see from I-94.</p> <p>17 Q Thanks for bearing with me. I think we've got</p> <p>18 that figured out. That's a fairly new facility;</p> <p>19 is that right?</p> <p>20 A Correct.</p> <p>21 Q Does Aurora consider its principal office to be</p> <p>22 the St. Luke's Center?</p> <p>23 A I don't know what you mean by principal office.</p> <p>24 Q You had used the term corporate office?</p> <p>25 A Our corporate headquarters, at least for the next</p>	<p>1 designation, what does that mean?</p> <p>2 A That means two people on duty seven days a week,</p> <p>3 24 hours a day.</p> <p>4 Q Two people working at the same time?</p> <p>5 A Correct.</p> <p>6 Q When you're saying working, is it the same as</p> <p>7 saying on duty?</p> <p>8 A Yes.</p> <p>9 Q We had talked about the 142 full-time equivalent</p> <p>10 employees; you had also mentioned about 20</p> <p>11 part-time employees?</p> <p>12 A It's 142 full-time equivalence, so to get that, we</p> <p>13 will staff three part-time and per diem zero</p> <p>14 assigned people that aren't on the books is a</p> <p>15 specific number of hours guaranteed, and they fill</p> <p>16 in and those sorts of things. So on average,</p> <p>17 we'll probably have 20 more bodies in the</p> <p>18 department than we will have FTEs.</p> <p>19 Q How many total people, full-time equivalent,</p> <p>20 part-time, per diem, all those folks, how many</p> <p>21 security officers currently does Aurora employ?</p> <p>22 A I couldn't give you an exact number because we</p> <p>23 have a number of open positions right now, but it</p> <p>24 would be approximately 160 if we were fully</p> <p>25 staffed with all the open recs that we have, if</p>

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<p>1 they were all filled.</p> <p>2 Q When we talk about the seven by 24 designation,</p> <p>3 that means that Aurora has security officers on</p> <p>4 duty 24 hours a day at those locations that were</p> <p>5 identified as either 4.2 or 8.4?</p> <p>6 A The exceptions would be the Sheboygan clinic that</p> <p>7 I mentioned, and the hospice doesn't have first</p> <p>8 shift, and then the family service building on</p> <p>9 Highland that just is there first shift Monday</p> <p>10 through Friday.</p> <p>11 Q Those facilities for all the hours that officers</p> <p>12 are there, they're always on duty, correct?</p> <p>13 A I'm not sure what you mean by on duty.</p> <p>14 Q What do you mean by on duty when you answered my</p> <p>15 last couple of questions?</p> <p>16 A Well, the purpose of why we're here other than</p> <p>17 their lunch breaks, they would be on duty, yes.</p> <p>18 Q We had talked about your five direct report</p> <p>19 managers, and then a number of the supervisors at</p> <p>20 these various locations who report to one of those</p> <p>21 five managers. At the end of the day, you're the</p> <p>22 boss of the security department, right?</p> <p>23 A Correct.</p> <p>24 Q And by that I mean that you are ultimately</p> <p>25 responsible for all of these folks who, in various</p>	<p>1 as of today?</p> <p>2 A I'd have to look at it. There's probably a couple</p> <p>3 of minor changes. There's one thing that I</p> <p>4 mentioned when I was going over. Page 23, right</p> <p>5 under James Sagan on the far left column,</p> <p>6 Duane Hanson is showing as security officer. He</p> <p>7 was recently promoted to sergeant at our Summit</p> <p>8 facility.</p> <p>9 Q So Mr. Sagan is now a --</p> <p>10 A No, he's still the supervisor.</p> <p>11 Q Mr. Hanson, is that --</p> <p>12 A Mr. Hanson is now the sergeant at our Summit site.</p> <p>13 He reports to Clint Schaefer.</p> <p>14 Q Again, big picture, what's the difference between</p> <p>15 a security officer and a sergeant?</p> <p>16 A I guess the best way I would describe it is a</p> <p>17 sergeant is kind of a lead, doesn't have</p> <p>18 supervisory responsibility, is an hourly employee,</p> <p>19 doesn't hire, fire, formally discipline, those</p> <p>20 sorts of things. They're a working officer, but</p> <p>21 they have a slightly accelerated lead position</p> <p>22 where they make decisions in the absence of a</p> <p>23 supervisor.</p> <p>24 Q But still are an hourly employee, correct?</p> <p>25 A Correct. I don't think there are any changes that</p>
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<p>1 ways, report to you?</p> <p>2 A Correct.</p> <p>3 Q You had said that, give or take a few people,</p> <p>4 Aurora currently employs about 160 security</p> <p>5 officers, correct?</p> <p>6 A Correct.</p> <p>7 Q Can you go back historically and tell me what that</p> <p>8 number would be in 2009 approximately?</p> <p>9 A Sure. We were at 150. We had 132 FTEs, give or</p> <p>10 take a tenth either way, and so with the</p> <p>11 additional 20 normally part-time and per diem, I</p> <p>12 would say a good estimate would be about 150.</p> <p>13 Q And 2008?</p> <p>14 A 2008 would be about 147.</p> <p>15 Q And 2007?</p> <p>16 A 147. Our FTEs were 127 for both of those years.</p> <p>17 Q And the increase from 147 up to 160 currently is</p> <p>18 based on what?</p> <p>19 A The opening of the Summit hospital. The opening</p> <p>20 in Grafton added people. My budget has stayed</p> <p>21 relatively flat other than when we've opened new</p> <p>22 facilities. They usually account for additional</p> <p>23 staffing.</p> <p>24 Q One thing I need to ask you about Exhibit No. 2</p> <p>25 there, is that exhibit current? Is that accurate</p>	<p>1 I'm aware of here. I don't see any other changes</p> <p>2 since this was produced.</p> <p>3 Q And sergeants and officers are subject to the same</p> <p>4 meal policy; is that correct?</p> <p>5 A That is correct.</p> <p>6 Q And the supervisor positions that we've talked</p> <p>7 about, are those folks paid hourly or on a salary?</p> <p>8 A They're on a salary. They're exempt.</p> <p>9 Q As a part of the documents that have been produced</p> <p>10 in this case, we received a job description for</p> <p>11 the security officers. Is there a similar</p> <p>12 document for a job description for the security</p> <p>13 sergeants?</p> <p>14 A There is.</p> <p>15 Q And what's the exact title of that position?</p> <p>16 A I believe it is sergeant.</p> <p>17 Q And is there similarly a job description for the</p> <p>18 supervisors?</p> <p>19 A There is.</p> <p>20 Q What is the title of that job?</p> <p>21 A It's basically supervisor. Sometimes it will say</p> <p>22 supervisor, and it will have the region or the</p> <p>23 business line that they support, but it's</p> <p>24 basically the same job description.</p> <p>25 Q And is there a job description for the managers</p>

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<p>1 that the supervisors report to?</p> <p>2 A There is.</p> <p>3 Q What is that job description called?</p> <p>4 A It's a job description for loss prevention</p> <p>5 manager, and again, some of them will say their</p> <p>6 specific mark or their region that they support,</p> <p>7 and some will just say generically manager.</p> <p>8 Q Do you have a job description?</p> <p>9 A I do.</p> <p>10 Q And does that just say director of security and</p> <p>11 loss prevention?</p> <p>12 A I believe it says director of loss prevention</p> <p>13 services, but yes.</p> <p>14 Q Are Aurora's security officers trained?</p> <p>15 A They are.</p> <p>16 Q Who or what department is in charge of training</p> <p>17 Aurora's security officers?</p> <p>18 A We're responsible for training our officers.</p> <p>19 Q When you say we're, what do you mean?</p> <p>20 A I mean the loss prevention services department.</p> <p>21 We use some outside training from time to time to</p> <p>22 augment, but we have a training policy, and we've</p> <p>23 trained to that policy.</p> <p>24 Q Is the training uniform for all of Aurora security</p> <p>25 officers?</p>	<p>1 that are the hiring -- they make the decisions on</p> <p>2 hiring for the officers, and so they have primary</p> <p>3 responsibility for, I guess I'll say, adhering to</p> <p>4 the corporate policy on training. Then we also</p> <p>5 have the gentleman who is listed as the safety</p> <p>6 supervisor, John Bruce, in the last year or so,</p> <p>7 I've assigned him to help us kind of improve our</p> <p>8 overall training by working on what we're calling</p> <p>9 the academy of loss prevention, academy, to make</p> <p>10 sure that we are capturing other opportunities for</p> <p>11 training for officers and making sure we stay as</p> <p>12 consistent as possible.</p> <p>13 Q Tell me about the academy.</p> <p>14 A It's something we're just in the process of</p> <p>15 rolling out. We hope to start it in 2011. We're</p> <p>16 working on it. It would be making sure that -- it</p> <p>17 will be a different format for assisting the</p> <p>18 supervisors in training the officers to all of our</p> <p>19 policies so they would come on and get kind of the</p> <p>20 basics in a consistent, more timely manner if</p> <p>21 there's glitches with that. You know, because</p> <p>22 with the number of officers we hire, with the</p> <p>23 part-time and the per diem, we think we can do it</p> <p>24 more efficiently, in a more formalized classroom</p> <p>25 setting. At least to start with, we're going to</p>
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<p>1 A It is on the big picture level. Those things that</p> <p>2 are common for all staff. There will be</p> <p>3 procedural elements that will be trained</p> <p>4 differently from site to site depending on the</p> <p>5 nature and the peculiarities of a specific site,</p> <p>6 everything from which doors get opened at what</p> <p>7 time to, you know, whether you do a cash run or</p> <p>8 you don't do a cash run. So those procedural</p> <p>9 things will happen more on the on-the-job training</p> <p>10 part of it and orientation to that particular</p> <p>11 site. Globally, officers are trained the same</p> <p>12 overall to meet our policy, if that answers your</p> <p>13 question.</p> <p>14 Q It does. Thank you. In terms of the big picture</p> <p>15 training you were talking about, is there a</p> <p>16 specific person within your department that's</p> <p>17 responsible for that training?</p> <p>18 A It's a multitask. There's not one individual that</p> <p>19 is out there training every security officer.</p> <p>20 Different leadership people have different</p> <p>21 responsibilities.</p> <p>22 Q Can you tell me each of those people that are</p> <p>23 responsible for training?</p> <p>24 A I think the primary responsibility for training</p> <p>25 would fall with the supervisor. They're the ones</p>	<p>1 try that.</p> <p>2 Q And you had mentioned some big picture training.</p> <p>3 What do you mean by that? What are the elements</p> <p>4 of big picture training?</p> <p>5 A Well, one of the big picture training elements is</p> <p>6 there's a professional organization that many of</p> <p>7 us belong to. It's called IAHS, International</p> <p>8 Association for Health Care Safety and Security,</p> <p>9 and they offer an online or paper basic officer</p> <p>10 training course for security officers, and for</p> <p>11 years we've required that all of our officers pass</p> <p>12 that test. And what it does is it allows us to</p> <p>13 have a common denominator of all of our officers</p> <p>14 understanding the role of a security officer in</p> <p>15 the health care environment. So we've required it</p> <p>16 for a number of years for officers to complete</p> <p>17 that. That's one of the basic things.</p> <p>18 Q All Aurora security officers are required to take</p> <p>19 this test?</p> <p>20 A There were probably a handful, maybe four or five</p> <p>21 now still existing with us that grandfathered out</p> <p>22 of it when we first started it.</p> <p>23 Q And what, again, is the name of the test?</p> <p>24 A It's a basic officer certification.</p> <p>25 Q And who administers the test?</p>

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<p>1 A It's administered through the professional 2 association I mentioned. You can purchase tests, 3 and then I assign a test electronically to an 4 officer when he or she feels they're ready to take 5 it. They do it online, and if they pass, great. 6 If they don't pass, they have to retake it until 7 they pass. 8 Q And do you keep some sort of a chart or a file to 9 indicate what officers have taken the test and 10 passed it? 11 A I do. 12 Q What's the name of that document? 13 A It's basic -- I believe it's basic certification 14 log, for lack of a better -- my administrative 15 assistant actually maintains it for me. 16 Q What other things in terms of the big picture do 17 you make sure that all the officers do as part of 18 their training? 19 A Well, parts of the training are specific to 20 security topics. Obviously, they go through an 21 orientation and checklist, and this is the part 22 that's the responsibility of the supervisors, to 23 make sure all of our policies are covered with 24 them, that all of the -- that they understand our 25 mission statement, how our department supports the</p>	<p>1 standpoint. So we again pushed that back out to 2 the supervisors' responsibility. So each of them 3 have developed tools to make sure that happens at 4 the site level. 5 Q How do you know that all the supervisors are going 6 over all the topics that you want to be covered as 7 part of training? 8 A They don't supply me with a specific document of 9 that. That would be captured probably to some 10 degree in their annual evaluation, their new 11 evaluation, the 90-day evaluation, that they went 12 through these things. 13 Q Are those standard evaluation forms that go to 14 your office? 15 A Yes, I read every evaluation of all the staff 16 every year. 17 Q And those evaluation forms were developed by who? 18 A Those are system-wide evaluation forms that are 19 used for all of our caregivers. 20 Q In addition to security officers? 21 A Correct, everybody goes through the process. 22 Q And that's a policy in terms of, you know, what 23 the forms look like, when the reviews happen, 24 that's set on a system-wide basis by somebody 25 other than you?</p>
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<p>1 mission, vision, values of Aurora, and then also 2 all the site-specific procedural elements that go 3 along with that. 4 Q Is there like a packet of materials? You said an 5 orientation checklist, is that a document that the 6 supervisors go through to make sure they cover all 7 the topics? 8 A Correct. It's their responsibility to do that on 9 the site level, and that's the part that we're 10 going to try to see if we can standardize a little 11 differently going forward in 2011. 12 Q Right, because uniformity is important in terms of 13 how your security officers deliver their service, 14 right? 15 A Correct. 16 Q The orientation checklist, are there -- I'm just 17 trying to sort of picture this idea, is there a 18 group of topics that are general for all officers 19 that is provided from your office or someone in 20 your office? 21 A Not at this time. We had tried that at one point, 22 and then had one of our managers be the 23 responsible person for -- say, for example, all of 24 our policies. From a centralized standpoint, it 25 wasn't real efficient from a one-on-one</p>	<p>1 A Correct. In that formal -- it will capture all of 2 the Aurora-required training, which goes above and 3 beyond the security training, like various 4 compliance training and corporate training. There 5 are departmental check boxes where you can add 6 things that are departmentally-required. So that 7 will capture making sure that the officers receive 8 their training. That would be a checklist, and I 9 would be able to see that the officers were 10 getting their training. Because if they didn't 11 complete it, it would increase their potential for 12 a merit increase, for one thing. 13 Q Right. So I'm trying to sort of put in my basket 14 all the things that are part of a security 15 officer's training. They go through an 16 orientation. They take a test. They are given 17 instructions as to site-specific information from 18 a supervisor? 19 A Correct. 20 Q What else is part of the training? 21 A One of the training aspects is management of 22 aggressive behavior and defense arrest tactics. 23 We call them MOEB and DAAT. That training all 24 officers go through. Initially, it's a two-day 25 training, and basically teaches officers how to</p>

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<p>1 recognize situations that may be escalating that</p> <p>2 become violent and how to deescalate. And if they</p> <p>3 can't deescalate and it becomes physical, how to</p> <p>4 appropriately and safely defend themselves, take</p> <p>5 somebody into custody, those sorts of things.</p> <p>6 Every officer goes through initially that two-day</p> <p>7 training, and then goes through a one-day</p> <p>8 recertification on an annual basis, so that's part</p> <p>9 of our training curriculum as well.</p> <p>10 Q Is that training done in-house, or is that</p> <p>11 provided by an external provider?</p> <p>12 A It's done in-house by three gentlemen who have</p> <p>13 been certified through this particular program</p> <p>14 externally.</p> <p>15 Q And the certification, the name of that</p> <p>16 certification is what?</p> <p>17 A Management of aggressive behavior and defense and</p> <p>18 arrest tactics. It's two things that are</p> <p>19 combined.</p> <p>20 Q And what is the organization that provides that</p> <p>21 certification?</p> <p>22 A Management of Aggressive Behavior is the name of</p> <p>23 the company as well as the program, and we send</p> <p>24 individuals to become certified trainers so we can</p> <p>25 do it cost-effectively in-house.</p>	<p>1 Again, those were for specific people in the</p> <p>2 department. So we have a multitude of different</p> <p>3 training opportunities. Sometimes a professional</p> <p>4 association in the area, ASIS International, for</p> <p>5 example, their chapter, our local chapter, will</p> <p>6 put on training opportunities, and we'll send</p> <p>7 officers to that. Not all officers would go. It</p> <p>8 would be based on an expressed interest and the</p> <p>9 number of dollars we have available to give</p> <p>10 additional training. Those are the types of</p> <p>11 additional training we'll do for the staff to</p> <p>12 augment the basic things that everybody goes</p> <p>13 through.</p> <p>14 Q Anything else on that list of basic things that</p> <p>15 everybody goes through?</p> <p>16 A Not that I can think right now.</p> <p>17 Q Is there a document that lists all the basic</p> <p>18 things that everyone must go through?</p> <p>19 A It would be captured in our policy.</p> <p>20 Q Which policy?</p> <p>21 A I don't remember the number.</p> <p>22 Q Do you know the name of it?</p> <p>23 A Training.</p> <p>24 Q Very good.</p> <p>25 A It's a department policy called training.</p>
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<p>1 Q So every security officer that works for Aurora,</p> <p>2 other than the three people who are the trainers,</p> <p>3 everyone has been certified and trained by one of</p> <p>4 these three trainers?</p> <p>5 A All officers and sergeants unless they're so new</p> <p>6 that they haven't gone through the program yet.</p> <p>7 Q What are the names of the three folks who have the</p> <p>8 certification?</p> <p>9 A Jim Moraza, one of our managers, Joe Jonas, and</p> <p>10 Dennis Hafeman, H-a-f-e-m-a-n. Joe Jonas is</p> <p>11 listed as a supervisor here, and Dennis Hafeman is</p> <p>12 an officer.</p> <p>13 Q So there's these two certifications that we talked</p> <p>14 about. What else is part of the training?</p> <p>15 A We have a lot of different training that happens</p> <p>16 at the site level and sometimes at the regional</p> <p>17 level. We'll have occasional regional or market</p> <p>18 meetings where we bring all the officers together</p> <p>19 for a given day, once or twice a year, depending</p> <p>20 on the region, and during that day of training,</p> <p>21 there will be a lot of training components to</p> <p>22 that. We try to bring outside speakers in, so we</p> <p>23 have training on an active shooter with various</p> <p>24 police agencies. We have had outside trainers</p> <p>25 come in and do interview and interrogation.</p>	<p>1 Q Are the officers trained in terms of using the</p> <p>2 Kronos system or the time clocks that Aurora uses?</p> <p>3 A Yes.</p> <p>4 Q Is that part of the orientation?</p> <p>5 A That would be part of the orientation and initial</p> <p>6 training with the supervisor, or it could even be</p> <p>7 the sergeant on that level teaching how to Kronos</p> <p>8 in.</p> <p>9 Q And that's done the same system-wide for Aurora in</p> <p>10 terms of how the Kronos system is used?</p> <p>11 A Correct.</p> <p>12 Q And the supervisor or the sergeant is providing</p> <p>13 that training, but it's done the way Aurora does</p> <p>14 it system-wide; is that correct?</p> <p>15 A That's correct.</p> <p>16 Q And then are the officers similarly trained on how</p> <p>17 the meal break policy works?</p> <p>18 A Yes, in that that's one of those things that would</p> <p>19 be covered by the supervisor for all sites, to</p> <p>20 make sure that they understand both that, and that</p> <p>21 is also part of our larger information is given</p> <p>22 out like in the employee handbook. So when they</p> <p>23 are first hired, they get the employee handbook,</p> <p>24 and they acknowledge that. And some of these</p> <p>25 things that are not specifically departmental</p>

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<p>1 policies are also covered in the handbook. There</p> <p>2 are policies that they have access to and some of</p> <p>3 which are covered during new employee orientation.</p> <p>4 Q What other materials do they get besides the</p> <p>5 employee handbook?</p> <p>6 A By materials?</p> <p>7 Q Written materials.</p> <p>8 A It's kind of vague in terms of lots of materials.</p> <p>9 Q What I'm asking is when Aurora hires a security</p> <p>10 officer, what are the general, written materials</p> <p>11 that they receive as part of their new hire</p> <p>12 process?</p> <p>13 A Well, by receive, they'll get the departmental</p> <p>14 policies. They won't actually get their own copy</p> <p>15 of it. It will be covered with them. That's</p> <p>16 what's noted in the checklist, and it will be</p> <p>17 checked off, and they will be advised in terms of</p> <p>18 whether it's hardcopy or online, where it's</p> <p>19 available, for them to reference if they forget.</p> <p>20 What's important is to give them the initial, I</p> <p>21 believe, the initial explanation and training and</p> <p>22 then make sure that they know if they have</p> <p>23 questions, they can ask a sergeant or a</p> <p>24 supervisor, or that they have access to the policy</p> <p>25 so they can check themselves if they have any</p>	<p>1 be. It could be a sergeant saying -- a general</p> <p>2 counseling correction or you forgot to do this or</p> <p>3 something. Then the supervisor has responsibility</p> <p>4 for, I guess, more of enforcing since they're</p> <p>5 exempt and they're supervisors, and they can</p> <p>6 formally discipline, do those sorts of things, and</p> <p>7 then ultimately, it could be a manager or myself</p> <p>8 getting involved if it became that significant</p> <p>9 with us. Repeated violations of policy or</p> <p>10 policies that require serious discipline, I</p> <p>11 usually want to know those and would kind of</p> <p>12 approve those and work with my HR colleagues to</p> <p>13 make sure that we're being consistent and all</p> <p>14 those sorts of things.</p> <p>15 Q Does your department have a, for lack of a better</p> <p>16 way to say it, a policy for enforcing its policies</p> <p>17 in terms of discipline?</p> <p>18 A Not specifically a policy, but I think within the</p> <p>19 job description you asked about earlier, the</p> <p>20 supervisor would have it in the job description</p> <p>21 for overseeing the charges that are assigned to</p> <p>22 him or her.</p> <p>23 Q As a big picture issue, it's important that the</p> <p>24 department enforces its policies in a uniform</p> <p>25 manner, correct?</p>
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<p>1 misunderstanding or they don't remember something.</p> <p>2 Q And the departmental policies are policies that</p> <p>3 your office issues?</p> <p>4 A Correct.</p> <p>5 Q And those are uniform throughout the Aurora</p> <p>6 system?</p> <p>7 A Correct.</p> <p>8 Q Including the meal break policy?</p> <p>9 A We don't have a specific policy on the meal break.</p> <p>10 That's really covered by the overall Aurora. We</p> <p>11 reinforce, again, through training, through</p> <p>12 education, we reinforce that here's the policy and</p> <p>13 here's how we expect you to fulfill it.</p> <p>14 Q So if I'm understanding you, your department has</p> <p>15 adopted the overall Aurora meal break policy?</p> <p>16 A Correct.</p> <p>17 Q And that's a uniform policy for all security</p> <p>18 officers as well as other employees?</p> <p>19 A Correct.</p> <p>20 Q Who's in charge of enforcing all the departmental</p> <p>21 policies?</p> <p>22 A Well, I think it's a shared responsibility on the</p> <p>23 site level. I guess I look at it a little bit</p> <p>24 incrementally. Depending on the nature of the</p> <p>25 policy and what the infraction or deviation might</p>	<p>1 A Yes.</p> <p>2 Q Why is that?</p> <p>3 A We want to be consistent from a fairness</p> <p>4 standpoint and also if a policy was written,</p> <p>5 especially one that we're talking about today,</p> <p>6 there are laws or regulations that are part of</p> <p>7 that policy, and we want to make sure that we're</p> <p>8 being consistent.</p> <p>9 Q Have we talked about Arthur Smith yet this</p> <p>10 morning?</p> <p>11 A Only that I identified him as a supervisor.</p> <p>12 Q I don't think we've talked about Dwight Morgan.</p> <p>13 A Dwight Morgan is my boss. He's the vice president</p> <p>14 of human resources.</p> <p>15 Q And do you report to anyone else other than</p> <p>16 Mr. Morgan?</p> <p>17 A No, just directly to Mr. Morgan.</p> <p>18 Q Do you know who Mr. Morgan reports to?</p> <p>19 A Currently, I believe he might report to the</p> <p>20 president, Dr. Turkal, because his boss, the</p> <p>21 senior vice president of human resources retired</p> <p>22 in July, and her position has not been filled yet.</p> <p>23 So he's acting in that interim role while the</p> <p>24 search is being conducted.</p> <p>25 Q Is there anyone higher in Aurora's overall</p>

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<p>1 organizational chart than the president?</p> <p>2 A No.</p> <p>3 Q Does the president report to a board of directors?</p> <p>4 A I believe so.</p> <p>5 (Recess taken)</p> <p>6 Q Mr. Cummings, why does Aurora employ security</p> <p>7 guards?</p> <p>8 A To ensure as best we can that we have a safe and</p> <p>9 secure environment for our patients to receive</p> <p>10 health care and for our caregivers to deliver</p> <p>11 health care would be the short answer.</p> <p>12 Q And I think we already talked about this, but just</p> <p>13 to make sure, all of Aurora security officers are</p> <p>14 paid by the hour; is that correct?</p> <p>15 A Yes.</p> <p>16 Q And all of Aurora's sergeants are also paid by the</p> <p>17 hour?</p> <p>18 A That's correct.</p> <p>19 Q Can you tell me about the basic job duties of an</p> <p>20 Aurora security guard?</p> <p>21 A Sure. We provide probably over, and when I say</p> <p>22 we, I'm talking about the department generically,</p> <p>23 probably provide over 200 different services that</p> <p>24 we track. So their responsibility is to be</p> <p>25 available to provide those services in addition to</p>	<p>1 store valuables, respond to door openings,</p> <p>2 valuables, property return, lost and found,</p> <p>3 auto-related services we provide, such as finding</p> <p>4 lost cars, relocating cars. We used to jump-start</p> <p>5 cars, but we don't do too much of that anymore.</p> <p>6 So there's a whole auto-related series of those.</p> <p>7 Certainly, we have huge responsibility for</p> <p>8 response to emergent situations at our facilities.</p> <p>9 Our department has designated rules in all of the</p> <p>10 emergency situations, which are normally captured</p> <p>11 in what we call a flip chart, which have different</p> <p>12 codes or conditions that could be anything from</p> <p>13 severe weather to tornado to fire to bomb threat.</p> <p>14 So the security department, because of the</p> <p>15 nature of our work, responds to and has a</p> <p>16 designated role in all of those emergency</p> <p>17 responses. Sometimes it's facilitating things</p> <p>18 like Flight For Life. We have rules for ensuring</p> <p>19 access to services, so parking, managing parking,</p> <p>20 controlling parking, and vehicle traffic from time</p> <p>21 to time. Those are some broad categories.</p> <p>22 Q It is a big job?</p> <p>23 A It is.</p> <p>24 Q In terms of the reporting category, does Aurora</p> <p>25 use standardized reports for its officers to fill</p>
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<p>1 one of them being routine patrol and observe and</p> <p>2 report, anything that would be contrary to the</p> <p>3 safety of the organization or the people in it.</p> <p>4 Q And just trying to sort of break down some of</p> <p>5 these 200 functions into groups; is there an easy</p> <p>6 way to do that?</p> <p>7 A Yeah, I could probably give you some basic</p> <p>8 categories. Some of them are report writing. We</p> <p>9 do report writing in the specific types of</p> <p>10 situations that occur that we'd help document,</p> <p>11 document incidents and to a degree investigate</p> <p>12 them and try to solve them, if you will, or call</p> <p>13 outside resources to assist us as needed. So</p> <p>14 there's a whole group of things that we do under</p> <p>15 the report-writing category. Responding to, I'll</p> <p>16 just call them difficult situations, could be</p> <p>17 tense situations between a combination of people.</p> <p>18 If you want to call it disruptive situations,</p> <p>19 could be between patients, visitors, staff, to</p> <p>20 help calm a situation, diffuse it, as I indicated</p> <p>21 from MOEB and DAAT training. There's an awful lot</p> <p>22 of routine services that we do for patients --</p> <p>23 break it up by patients, by visitors, and staff,</p> <p>24 and sometimes they overlap for the same service</p> <p>25 such as provide direction, open doors, handle and</p>	<p>1 out?</p> <p>2 A Yes. We use an electronic reporting, and we've</p> <p>3 been using that for about six or seven years, I</p> <p>4 believe.</p> <p>5 Q And what does that mean?</p> <p>6 A It's called IRMS. It's the name of it that we</p> <p>7 purchased from an outside vendor, and it stands</p> <p>8 for Incident Report Management System. Our</p> <p>9 officers, when they are required to write a report</p> <p>10 per policy, they log into the IRMS system, and</p> <p>11 they write the report. It's an electronic</p> <p>12 software version, so it can be archived and</p> <p>13 stored, and it can be viewed by department</p> <p>14 leadership.</p> <p>15 Q Is this something that they're trained on, the</p> <p>16 security officers are trained on, in terms of how</p> <p>17 to use the IRMS system?</p> <p>18 A Right, that would be part of their initial</p> <p>19 on-the-job training.</p> <p>20 Q And the IRMS system, you said they login; how do</p> <p>21 they do that?</p> <p>22 A They have a password and a login ID that would</p> <p>23 allow them access to write a report and review</p> <p>24 reports up to the level that they're authorized.</p> <p>25 So there's an officer level, there's a sergeant</p>

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<p>1 level, there's a supervisor level. Each of them  2 are password protected to the point of -- so if I  3 write a very sensitive report, they couldn't see  4 it, but I can see theirs.</p> <p>5 Q And this is something that's done on a computer;  6 is that right?</p> <p>7 A Correct.</p> <p>8 Q Does each officer have a computer that's issued by  9 Aurora?</p> <p>10 A They have access to a computer. They don't have  11 their own computer. They have a departmental  12 computer that they would have access to that has  13 that particular software loaded on it.</p> <p>14 Q And the actual software, does Aurora use one set  15 of the IRMS software for the entire company?</p> <p>16 A Correct.</p> <p>17 Q And you have the ability to read the IRMS reports  18 from any sergeant, officer, manager, supervisor?</p> <p>19 A I do.</p> <p>20 Q And then the chain of command dictates what level  21 of clearance, so to, the various employees might  22 have?</p> <p>23 A Correct.</p> <p>24 Q Other than the IRMS reports, are there any other  25 standard reports that the officers use?</p>	<p>1 activity blotter, a log of some sort, and that can  2 get transposed later. So they accomplish it in  3 different ways depending on the staffing level and  4 how busy they are.</p> <p>5 Q Since we're on this subject, I'm not going to mark  6 these as exhibits yet, but just so I understand  7 what we're looking at, when you say activity log  8 or daily blotter, are these the documents that  9 you're talking about?</p> <p>10 A Yes, they are.</p> <p>11 MR. SCULLEN: Will you identify  12 them by the bates label?</p> <p>13 MR. PARSONS: Sure.</p> <p>14 Q This is a large packet of documents that has the  15 number 075448 on the front. We also received some  16 documents that start with a bates stamp number  17 77621. Do you know what those are?</p> <p>18 A They look like they are for some random officers.  19 I don't know if they're all officers for a  20 specific time. This one says starting on  21 October 7th of 2007, shows the activity of  22 specific officers did -- various specific  23 functions that they accomplished that would have  24 been put into the ACT track. This looks like it's  25 an ACT track printout of those types of activities</p>
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<p>1 A It's not a report so much, but it's an activity  2 log. I mean, it's a report of sorts. It can be  3 used to generate reports. It's what they do on a  4 day-to-day basis that helps account for their  5 time, allows us to make sure that things are being  6 documented, and that we can then track how many  7 things various officers are doing at what site so  8 that we can see if the level of activity or the  9 business, if you will, is increasing to the point  10 that we need to use more security officers. So  11 it's a productivity tool as well.</p> <p>12 Q And all of the officers fill out the activity  13 logs; is that right?</p> <p>14 A They are filled out by the site. We leave the  15 supervisor -- sometimes a supervisor will have  16 somebody in a dispatch center that as an officer  17 does a task, will login that the officer did a  18 door opening, started at 4:02, finished at 4:15.  19 So we'll get a mark, and the time will be  20 documented how that officer was doing that. And  21 sometimes they'll do it in realtime, where the  22 sites will have -- Sinai and St. Luke's will have  23 multiple officers, the dispatch center person will  24 be able to do that in realtime. Sometimes what  25 they'll do is document it in addition on an</p>	<p>1 we talked about earlier. So I see a valuable  2 handling, a valuable pickup, a couple of those. I  3 see an auto service, jump-start. I see a special  4 project, ILSM, which stands for interim life  5 safety, which means we were doing a fire watch.  6 So this document, series of pages you gave me,  7 appears to be an ACT track -- example of some  8 ACT track activity.</p> <p>9 Q Just so I understand, are the ACT tracks and  10 activity logs, are those two documents somehow  11 connected in terms of the information they're  12 providing?</p> <p>13 A Yes, they should be in connected in as much as  14 the blotter activity should end up captured in  15 ACT track. ACT track is more high tech, if you  16 will. It's electronic. I can run reports or have  17 my administrator, who is Dave Wood, one of my  18 managers, I'll have him run reports for me from  19 time to time in terms of tell me how many various  20 types of activities were done by shift, by site,  21 by officer, if we're looking to break it down to  22 see how we're using our time.</p> <p>23 Q Thanks. So the activity logs that you were just  24 telling me about, you said each site completes the  25 activity logs, and it might vary from site to site</p>

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<p>1 in terms of who's actually filling it out, but</p> <p>2 each site produces an activity log?</p> <p>3 A Yes.</p> <p>4 Q Any other standardized reports other than the</p> <p>5 activity logs?</p> <p>6 A Just by reports, just what would be captured in</p> <p>7 Kronos for payroll for purposes of what we're</p> <p>8 talking about here.</p> <p>9 Q Do the officers fill out any reports related to</p> <p>10 checking out equipment, or things like that?</p> <p>11 A Oftentimes those are captured on the activity log.</p> <p>12 We leave it up to the officer. If there's only</p> <p>13 one officer working, we know he has got the radio.</p> <p>14 For the purposes of SAR sites where we have maybe</p> <p>15 as many as six officers working the same shift,</p> <p>16 that site may just do a little differently and</p> <p>17 make sure that we all know. Everybody who's</p> <p>18 looking at the blotter knows who's on duty, who</p> <p>19 had what radio, what beat assignment, and that's</p> <p>20 more in the area where we have multiple officers</p> <p>21 working the same shift.</p> <p>22 Q Would there be a report where the officers would</p> <p>23 write down that they were taking a meal break?</p> <p>24 A It would normally be in the activity blotter.</p> <p>25 They should be calling in and saying I'm going on</p>	<p>1 the dispatch does in terms of marking down whether</p> <p>2 an officer is taking a lunch break?</p> <p>3 A Well, I would say that for us putting it down, if</p> <p>4 it's a dispatcher, that would be my expectation.</p> <p>5 I just don't know if the switchboard at those</p> <p>6 sites where the switchboard does the dispatching</p> <p>7 when there's only one officer, I'm not sure how</p> <p>8 they document that, if they do that in realtime,</p> <p>9 or if they just keep it off to the side so they</p> <p>10 know that officer X is at lunch.</p> <p>11 Q So would it be fair to say for all the sites that</p> <p>12 have dispatch, an officer going off duty for a</p> <p>13 meal break should at least be reported in the</p> <p>14 activity log?</p> <p>15 A Yes.</p> <p>16 Q And for the sites where it's being handled, but</p> <p>17 where that type of information is being processed</p> <p>18 by the switchboard, you're not sure who -- I'm</p> <p>19 sorry, you're not sure how that information would</p> <p>20 be recorded, if it's recorded at all?</p> <p>21 A That would be true.</p> <p>22 Q Do you know who would know that -- who would be</p> <p>23 the person who would know how the switchboard</p> <p>24 handles meal break information for security</p> <p>25 officers?</p>
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<p>1 lunch now.</p> <p>2 Q Who would they call in to?</p> <p>3 A Presuming it's a site that there's more than one</p> <p>4 person, then they would call into whoever the</p> <p>5 dispatcher would be or their partner, if there's</p> <p>6 two people working. If they're working alone, it</p> <p>7 would usually be whoever is dispatching, it could</p> <p>8 be the switchboard in some cases. Whoever takes</p> <p>9 the call for the security officer and dispatches a</p> <p>10 call and calls them for assignments.</p> <p>11 Q In terms of when that call comes in, either to</p> <p>12 dispatch or switchboard, is there then a notation</p> <p>13 made at the switchboard or dispatch level in terms</p> <p>14 of Officer X is off-duty for lunch or something</p> <p>15 like that?</p> <p>16 A My expectation, it would be in the activity</p> <p>17 blotter, I'm not sure what switchboard does. I'm</p> <p>18 not sure if switchboard just does something</p> <p>19 informal to it as it relates to them knowing that</p> <p>20 the officer is at lunch, or if they keep a record</p> <p>21 of that. In our blotter, we would keep that as</p> <p>22 part of our permanent record.</p> <p>23 Q Who would know that?</p> <p>24 A That meaning which case?</p> <p>25 Q I'm sorry. Who would know what the switchboard or</p>	<p>1 A I wouldn't be able to point you to a specific</p> <p>2 person.</p> <p>3 Q Would that be a site by site?</p> <p>4 A Could be, yes.</p> <p>5 Q The next group of topics that you talked about</p> <p>6 were security officers responding to difficult</p> <p>7 situations, I think is how you said it. Does</p> <p>8 Aurora have company-wide policies in terms of how</p> <p>9 its security officers should respond to these</p> <p>10 difficult situations?</p> <p>11 A Within the department policy guidelines, we have a</p> <p>12 couple of departmental policies that would touch</p> <p>13 on that depending on what the nature -- where the</p> <p>14 call was coming from. So for example, we have a</p> <p>15 policy that was specific to dealing with problems</p> <p>16 from the human resources department. So if you</p> <p>17 had a candidate or something going on there that</p> <p>18 was related to that -- related to a disruptive</p> <p>19 situation. So I don't believe that there's an</p> <p>20 overall policy that says this is how you always</p> <p>21 respond to a disruptive situation in terms of like</p> <p>22 saying, for example, some individual departments</p> <p>23 have a code that they'll call us and say --</p> <p>24 they'll use a code word or code phrase to say</p> <p>25 they're having problems so as not to tip off the</p>

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<p>1 person that might be disruptive, but that can vary</p> <p>2 from site to site and department to department</p> <p>3 depending on the nature and the frequency of those</p> <p>4 things at that specific site.</p> <p>5 Q But in terms of how you want the officers to</p> <p>6 actually respond to situations, that's -- you're</p> <p>7 hoping for, you know, sort of uniform methods of</p> <p>8 responding to things; is that right?</p> <p>9 A Are you talking by severity or just in general</p> <p>10 that we expect them to respond and do things</p> <p>11 generically, like try to diffuse the situation,</p> <p>12 get information, get it resolved as peacefully as</p> <p>13 possible?</p> <p>14 Q The latter.</p> <p>15 A Yeah, that would be captured to some degree in the</p> <p>16 on-site training that they would get, and to some</p> <p>17 degree, in the policy that would be covered by our</p> <p>18 training policy, under the management of</p> <p>19 aggressive behavior and defense and arrest tactics</p> <p>20 to use reasonable -- say, for example, the</p> <p>21 co-concept of reasonable force when you get there,</p> <p>22 making sure that you're trying to resolve a</p> <p>23 situation first and not escalate it, if that's</p> <p>24 answering your question.</p> <p>25 Q In general, there's a general protocol that you</p>	<p>1 specialty departments and how often that happens.</p> <p>2 Q So in general, security officers play a fill-in</p> <p>3 role from time to time to help get things done at</p> <p>4 these facilities?</p> <p>5 A That's accurate.</p> <p>6 Q What's a patient standby call?</p> <p>7 A Patient standby is a call where the patient either</p> <p>8 has generally shown to be disruptive, threatening,</p> <p>9 belligerent, or there's a fear that they may or</p> <p>10 that there is a Chapter 51 hold on the person, and</p> <p>11 we're requested to stand by to make sure they</p> <p>12 don't leave when it has risen to the level that</p> <p>13 legally they can't leave because they're hold</p> <p>14 harmless. They have been deemed by the police or</p> <p>15 a physician that they're a threat to themselves or</p> <p>16 somebody else. So we can be called, we being loss</p> <p>17 prevention, can be called in any of those</p> <p>18 situations, and it varies in severity to do a</p> <p>19 standby. Sometimes a patient has just been</p> <p>20 somewhat disruptive and verbally abusive, and</p> <p>21 maybe they apparently are over the limit in</p> <p>22 alcohol, and the staff may fear for their safety</p> <p>23 and want to keep the person controlled. So we'll</p> <p>24 be called to stand by and try to monitor behavior</p> <p>25 and take appropriate action as needed.</p>
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<p>1 would like the officers to all follow for certain</p> <p>2 difficult situations?</p> <p>3 A Correct.</p> <p>4 Q One of the things that I'm not sure if you</p> <p>5 mentioned as part of a job duty was providing</p> <p>6 supplies to various portions of the facilities; is</p> <p>7 that a duty of the security officers?</p> <p>8 A It can be from site to site, depending on how well</p> <p>9 that site is staffed. Our security officers, as</p> <p>10 we are talking about a seven by 24 department,</p> <p>11 that from time to time, we will be requested to</p> <p>12 assist with things like, in some cases but not</p> <p>13 very regularly, doing morgue runs, where we will</p> <p>14 actually help facilitate taking out a body to the</p> <p>15 morgue because they don't have anybody for the</p> <p>16 lab. Sometimes it's a matter of picking up</p> <p>17 supplies from central supply. It's locked and</p> <p>18 there's nobody there and maybe they need something</p> <p>19 in the emergency department and they're</p> <p>20 short-staffed, and they'll ask loss prevention to</p> <p>21 go and pick it up. Could be going to medical</p> <p>22 records and getting a medical record after hours</p> <p>23 if there's nobody that staffs medical records. So</p> <p>24 that is pretty dependent or can vary from site to</p> <p>25 site depending on what the staffing is for those</p>	<p>1 Q Who issues a standby call?</p> <p>2 A It could be any department, but mostly, mostly,</p> <p>3 I'd probably say, 90 percent of ours are in the</p> <p>4 emergency department.</p> <p>5 Q And how is that standby call communicated to the</p> <p>6 security officer?</p> <p>7 A Well, depending on the site, it could go to the</p> <p>8 switchboard if that's where the dispatch gets</p> <p>9 monitored. An officer could get paged. An</p> <p>10 officer could get called on their radio. The</p> <p>11 emergency department would call the dispatch</p> <p>12 center if we have a dispatch center and say we</p> <p>13 need a standby in ED Room 4, for example, and then</p> <p>14 an officer would then be either dispatched in</p> <p>15 whatever way that site does that.</p> <p>16 Q What's an officer supposed to do when he or she</p> <p>17 receives a standby call?</p> <p>18 A Respond, and generally try to get some information</p> <p>19 so we know what the severity is, what the</p> <p>20 expectations of us are. So we know whether this</p> <p>21 is a Chapter 51, and we can legally, physically</p> <p>22 detain them, and if it's not a Chapter 51, we know</p> <p>23 that we can't legally, physically detain them.</p> <p>24 But we want to just monitor their behavior, so</p> <p>25 they're not abusive. Perhaps it's a potential</p>

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<p>1 suicide where you're keeping an eye on them so 2 that they don't try to harm themselves. So one of 3 the first things we would expect our officers to 4 do is to try to gain some information so they know 5 to what degree we need to and can take physical 6 action against that person, depending on what they 7 do. 8 Q Is there a policy or a departmental policy as far 9 as responding to standby calls? 10 A Not a specific policy in how to respond to 11 standbys. 12 Q Is there a general expectation that the officers 13 will respond to the standby call? 14 A Sure. 15 Q How do the officers know that? 16 A Through the general training that they would 17 receive on the site, that they would know that 18 standbys are pretty commonplace in all medical 19 centers throughout the country, and ours is no 20 different. It's a very regular and routine 21 service that hospital security personnel do. 22 Q Do you know, outside of Aurora, is this a function 23 that security officers at other medical facilities 24 typically provide? 25 A Yes.</p>	<p>1 A Part of it would be from the caller themselves, 2 and if they're not clear about the expectation, 3 when possible -- presuming that the call comes to 4 a switchboard -- to a central monitoring station, 5 one of our officers, and somebody says I need 6 security in the emergency department for a 7 standby, my expectation would be the officer who's 8 taking that call, before they dispatch, would ask 9 a couple basic questions, is this urgent, is it 10 emergent, what room are they in. So when they're 11 dispatching, then they would have an opportunity 12 to help prioritize, you know, whether this is a 13 stat call or this is a get there as soon as you 14 can, but there's not a fight going on type thing. 15 Q Is there a general list that Aurora has in terms 16 of, you know, respond to fire, respond to 17 emergency, respond to nonemergency in terms of an 18 order? 19 A Well, no, there's not a specific list. It's 20 inherent in the business and what we do. So we 21 know that things that are on those code charts, 22 those emergent situations, that we would know that 23 if a call comes in where it, it appears by the 24 request for service that it could be 25 life-threatening or a situation that could cause</p>
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<p>1 Q How do you know that? 2 A Well, through my professional associations, I have 3 dealings with a lot of people that have similar 4 roles that I do, and we talk about that. That's 5 one of the most common challenges in our part of 6 the business right now is the prevalence of 7 standby requests and the number of officer hours 8 that that entails and chews up. So it's one of 9 those common things in the industry. 10 Q Does Aurora have an expectation in terms of how 11 quickly the officers will respond to these calls? 12 A Well, in the absence of anything -- any additional 13 information, the expectation that they would 14 respond as soon as practical. If they were in the 15 middle of doing something -- unless they were 16 engaged in a duty or task that was also high 17 profile or of significance such as responding to 18 an emergency situation, a fire situation, or they 19 were tied up in a helicopter landing where the 20 safety of other folks would possibly be impacted 21 negatively if they left. So a lot of the calls 22 that our officers respond to, really it's a matter 23 of understanding what the call is about and 24 prioritizing. 25 Q How do they know how to prioritize the calls?</p>	<p>1 harm to an individual, basically those would be 2 handled as a priority, but there's not a list that 3 ranks them per se. 4 Q In general, would it be fair to say that the 5 officers are expected to respond to the most 6 urgent call first and then prioritize from there? 7 A Correct. 8 Q In terms of a time expectation for the response, 9 let's talk about a patient's standby call, is 10 there a time expectation in terms of how quickly 11 the officer needs to respond? 12 A Not really. So we don't say that you have to 13 respond in 30 seconds or four minutes because 14 that's really not feasible. There's so many 15 variables. A person can be on the other side of a 16 very large campus, and they're the only one that 17 can respond because other officers, presuming 18 there are other officers on duty, are tied up in 19 other higher priority things. So a site as large 20 as St. Luke's or Aurora Sinai could take three or 21 four minutes or several minutes at least for the 22 officer to respond depending on where they are at 23 the time. So there's not a specific time frame 24 that's designated. It's just as soon as possible 25 and practical, depending on all the other factors</p>

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<p>1 that are going on.</p> <p>2 Q You mentioned that the first thing you wanted the</p> <p>3 officers to do before responding is to ask a</p> <p>4 couple of follow-up questions?</p> <p>5 A If it's not clear by the original call that helps</p> <p>6 them to determine that, or if there's nothing</p> <p>7 competing. So for example, if an officer is</p> <p>8 available and he or she is not assigned to</p> <p>9 anything at this point in time, and a call came in</p> <p>10 for a standby, and it didn't sound frantic or</p> <p>11 whatever, then they would be dispatched because</p> <p>12 they're not in competition. It's more</p> <p>13 important -- it's most important when an officer</p> <p>14 is already assigned to something else, and they</p> <p>15 have to be reassigned to then make that priority.</p> <p>16 So getting information there is probably even more</p> <p>17 crucial.</p> <p>18 Q Is it important for dispatch or the switchboard to</p> <p>19 know that the officer received the message?</p> <p>20 A It would depend on the nature of the call.</p> <p>21 There's usually an acknowledgment component to</p> <p>22 that.</p> <p>23 Q Is that a standardized policy in terms of</p> <p>24 acknowledging calls?</p> <p>25 A Policy or procedure, I think it's just kind of</p>	<p>1 with them turning the radio off so they don't have</p> <p>2 to acknowledge or hear those, as long as they</p> <p>3 would be able to get an emergent call by pager.</p> <p>4 Q Is that a policy?</p> <p>5 A It's not a policy. It's an expectation based on</p> <p>6 the fact that when they're at lunch, that they're</p> <p>7 not required to take routine calls. They're only</p> <p>8 required to respond to emergent calls.</p> <p>9 Q Do you know if that expectation is implemented on</p> <p>10 a system-wide basis?</p> <p>11 A To the best of my knowledge, it is, yes. I'm very</p> <p>12 consistent about communicating that.</p> <p>13 Q How have you communicated that in the past?</p> <p>14 A I've done it in some of my newsletters. I write a</p> <p>15 newsletter occasionally. It used to be monthly,</p> <p>16 sometimes it's quarterly, sometimes it's every</p> <p>17 other month, depends on how much information we</p> <p>18 have. In that newsletter, I'll cover various</p> <p>19 topics. I'll welcome people to the department. I</p> <p>20 know that there have been times in the newsletter</p> <p>21 going back 10, 12 years, for sure, the ones that I</p> <p>22 was able to produce for this situation, that --</p> <p>23 and that newsletter goes to every officer. It</p> <p>24 doesn't just go to the supervisor. So we've</p> <p>25 addressed the fact of what the expectations are</p>
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<p>1 understood, and for the purposes of what we're</p> <p>2 here for, that if the person is on a lunch, and</p> <p>3 they're the only officer on, or even if they're</p> <p>4 not the only officer on, if they're getting a</p> <p>5 call, and they have taken -- they have taken the</p> <p>6 action to notify the central monitoring station or</p> <p>7 the switchboard that they're on lunch, which in my</p> <p>8 opinion would mean that they only respond to</p> <p>9 emergency-type calls, it wouldn't be necessary for</p> <p>10 them to necessarily respond -- to acknowledge a</p> <p>11 nonemergency call during that time.</p> <p>12 Q My understanding based on what you just said is</p> <p>13 that it's your expectation that even while the</p> <p>14 officer is on lunch, that he or she will be</p> <p>15 monitoring their communication device; is that</p> <p>16 correct?</p> <p>17 A I don't know. By monitoring --</p> <p>18 Q Let me ask it another way, would he or she turn</p> <p>19 the device off?</p> <p>20 A My expectation would be that they would not turn</p> <p>21 it off if that was the device to which they were</p> <p>22 going to receive emergent calls. So for example,</p> <p>23 if an officer had a pager and a radio, and the</p> <p>24 radio was used for everything, and the pager could</p> <p>25 be used just for emergent, I would have no problem</p>	<p>1 from my level, and I know that I've seen documents</p> <p>2 from managers and supervisors when they've covered</p> <p>3 this topic in site-specific or regional meetings,</p> <p>4 and I've never seen it not consistently</p> <p>5 communicated what our expectation is.</p> <p>6 Q You said that you had produced these newsletters.</p> <p>7 What did you mean by that?</p> <p>8 A I provided them to human resources as part of the</p> <p>9 documentation for this case.</p> <p>10 Q As part of the lawsuit?</p> <p>11 A Yes. The newsletters in which newsletters I</p> <p>12 addressed this specific topic.</p> <p>13 (Discussion off the record)</p> <p>14 Q You were talking about that it was communicated</p> <p>15 through some newsletters. Any other methods of</p> <p>16 communicating this in writing?</p> <p>17 A I've seen e-mails, and I don't know if they were</p> <p>18 memos, depending on how far back we go, but I've</p> <p>19 seen correspondence, electronic and hardcopy</p> <p>20 correspondence from supervisors and managers to</p> <p>21 the staff consistently over years addressing this</p> <p>22 topic about our expectation of officers being</p> <p>23 entitled to, and sergeants, hourly employees,</p> <p>24 being entitled to a 30-minute, uninterrupted meal</p> <p>25 break. And if there's an emergent situation, if</p>

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<p>1 they have to come off of their lunch hour, that  2 they either need to be paid for the entire lunch  3 hour, or they can start it up and take a full  4 30-minute, interrupted lunch hour. And that's if  5 they come off emergently, or even if they come  6 off, in my opinion, that wasn't necessary, but if  7 they do come off of work, they will be paid for  8 it. Those are the things we try to monitor to  9 make sure that we're not impacting the officer's  10 ability to have that 30-minute lunch hour, and  11 that we're not unnecessarily wasting budgetary  12 dollars for people coming off when they shouldn't  13 be interrupted. So there's a two-fold reason. In  14 addition to the overall things, that it's policy  15 and law.</p> <p>16 Q How do they know whether they should or shouldn't  17 come off their break?</p> <p>18 A Well, there's some discretion. Obviously, if  19 there's a condition, which was a fire situation,  20 we'd expect that they'd come off. If there was a  21 patient valuable, and the patient was going to be  22 leaving and being discharged in the next half-hour  23 and they wanted their valuables returned to them  24 that we're holding, their ring, their watch, and  25 there was flexibility in that, then it wouldn't be</p>	<p>1 respond to that would be unacceptable.</p> <p>2 Q And respond fairly quickly, I'm assuming, as well?</p> <p>3 I mean, if you responded 30 minutes later, that  4 would be bad?</p> <p>5 A Correct.</p> <p>6 (Exhibit No. 3 marked for  7 identification)</p> <p>8 Q Mr. Cummings, I'm showing you what has been marked  9 as Exhibit 3 to today's deposition. Have you seen  10 this document before?</p> <p>11 A Yes.</p> <p>12 Q What is this?</p> <p>13 A This is the security officer job description.</p> <p>14 Q And it has -- this document has a date on it of  15 May 1992 in the top right spot; do you see that?</p> <p>16 A Yes.</p> <p>17 Q Is this the current security officer description?</p> <p>18 A Well, if you notice two lines below that, it says  19 revised January 2007. I believe this is the most  20 current one at this time, even though I'm in the  21 process of revising it right now.</p> <p>22 Q It says revised by Chris Miezin. Who is  23 Chris Miezin?</p> <p>24 A She works in the compensation department. She's  25 the compensation specialist that is assigned to my</p>
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<p>1 an emergent situation. And if it was a disruptive  2 person, we consider that pretty much emergent.  3 Even if it was not normally an emergent situation,  4 that they could use discretion. So if the only  5 officer there, a patient is waiting to be  6 discharged, my expectation is that they wouldn't  7 make a patient wait a half-hour, if we didn't get  8 notification ahead of time. So my expectation  9 would be from a service standpoint is to go ahead  10 and come off your lunch hour, make that decision,  11 do the valuable return, go back to your lunch, and  12 again start over, or if you don't get a chance to,  13 then you get paid for it. So there are some that  14 are pretty obvious, either way, there's some  15 discretion that they have.</p> <p>16 Q It would be pretty bad if a security officer  17 ignored a fire call, for example, during his or  18 her lunch period?</p> <p>19 A Yes.</p> <p>20 Q Why is that?</p> <p>21 A Because as I noted, in every one of our  22 emergency-type situations, fire being one of them,  23 our department has very specific responsibilities  24 in terms of ensuring the safety of patients,  25 employees, and visitors. So for them not to</p>	<p>1 department for developing and/or modifying our job  2 descriptions.</p> <p>3 Q And then there's a label below that or an item  4 below that that says DOC# 6074-var.doc; do you see  5 that?</p> <p>6 A Yes.</p> <p>7 Q What is that?</p> <p>8 A I'm not sure. I know that 6074 is the sergeant  9 job description. I'm not sure what the indication  10 of the var.doc means. Unless they're saying it's  11 a variation of that document because it's very  12 similar in nature.</p> <p>13 Q Do you know how this particular identifying  14 document number was attached to this document?</p> <p>15 A Which identifying number?</p> <p>16 Q The 6074-var.doc.</p> <p>17 A I don't.</p> <p>18 Q Does Aurora have a document management software  19 that it uses that might attach a document number  20 like this, or is this assigned?</p> <p>21 A I don't know. I'm not sure how they do that in  22 the compensation department.</p> <p>23 Q When you put together documents for your  24 department, are they assigned document numbers?</p> <p>25 A It depends. I create lots of different documents.</p>

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<p>1 So some of them have numbers, some of them don't.</p> <p>2 Some of them are assigned by -- if it's creating a</p> <p>3 Word document, I'll label it something. If it's</p> <p>4 items or an ACT track thing, it's assigned a</p> <p>5 specific number, case number, if you will, under</p> <p>6 the item system. So there's lots of ways,</p> <p>7 depending on the document in terms of how</p> <p>8 documents become identified or named.</p> <p>9 Q Does your department use any kind of a document</p> <p>10 management software?</p> <p>11 A Not other than the IRMS and ACT track that we've</p> <p>12 talked about.</p> <p>13 Q In general, you save the Word document to an</p> <p>14 Aurora server?</p> <p>15 A Correct.</p> <p>16 Q And when that's done, that doesn't attach a</p> <p>17 document number to it other than the name that</p> <p>18 you've named that document?</p> <p>19 A As far as I know, yes. Unless there's something</p> <p>20 behind the scenes that I'm not aware of.</p> <p>21 Q Exhibit No. 3 here, this describes the purpose,</p> <p>22 relationship, functions, know-how, and mental and</p> <p>23 physical requirements of a security officer?</p> <p>24 A Correct.</p> <p>25 Q Are there any other documents that would provide a</p>	<p>1 is just slacks, shirt, tie. So one category of</p> <p>2 equipment that we issue to each officer are things</p> <p>3 like that, the coats. Things that they</p> <p>4 specifically wear, they don't share. Then there's</p> <p>5 other equipment they're issued after they go</p> <p>6 through the commensurate training. Through MOEB</p> <p>7 and DAAT, once they're certified, they will be</p> <p>8 issued handcuffs, batons, and pepper spray. They</p> <p>9 also are issued other leather accessories.</p> <p>10 They're issued equipment on a day-to-day</p> <p>11 basis as they do their jobs. As they come in,</p> <p>12 they pick up a radio, a pager, communication</p> <p>13 things. They may pick up a flashlight if they</p> <p>14 need it. There's equipment that is issued just</p> <p>15 for their shift. There's equipment that are</p> <p>16 issued to them that they use exclusively, and then</p> <p>17 there's equipment that are issued to them after</p> <p>18 they go through specific training. Generally,</p> <p>19 those are kind of the categories of equipment.</p> <p>20 Q I appreciate you breaking that into categories.</p> <p>21 That's helpful. So when we're talking about the</p> <p>22 uniforms that are issued for Aurora security</p> <p>23 officers, is every officer wearing basically the</p> <p>24 same uniform?</p> <p>25 A They are.</p>
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<p>1 description of the job duties of an Aurora</p> <p>2 security officer other than this document?</p> <p>3 A Those that would be captured, I guess, in all the</p> <p>4 many documents that we kind of referred to</p> <p>5 previously here today, like the training documents</p> <p>6 and the procedural documents that are at the site,</p> <p>7 within the department. Those all kind of make up</p> <p>8 the body of the specifics of what an officer does</p> <p>9 and how they do it, and this is kind of the</p> <p>10 overview of the essential functions in a more</p> <p>11 global manner.</p> <p>12 Q And these are the essential functions for all</p> <p>13 Aurora security officers?</p> <p>14 A Correct.</p> <p>15 Q Are Aurora security officers issued any equipment</p> <p>16 as part of their job?</p> <p>17 A Yes, they are.</p> <p>18 Q What equipment are they issued?</p> <p>19 A I'll break it up into two different types. The</p> <p>20 first type we call -- under the uniform policy, we</p> <p>21 have a uniform policy, okay, so under there,</p> <p>22 they'll talk about two different types of</p> <p>23 equipment. We'll give them things like coats,</p> <p>24 duty belts, hats, apparel that is -- although it's</p> <p>25 apparel, we don't consider that uniform. Uniform</p>	<p>1 Q Why do you do that?</p> <p>2 A Couple of reasons. One is that we want to have a</p> <p>3 consistent look. We've chosen a uniform that we</p> <p>4 feel provides a good image, and we want to make</p> <p>5 sure that from site to site we are readily</p> <p>6 identifiable by individuals who may need our</p> <p>7 services, whether it's something as simple as a</p> <p>8 way finding, or something more complex as an</p> <p>9 emergent situation. We also want to have</p> <p>10 consistent uniform because we cross-train our</p> <p>11 officers between sites from time to time, and we</p> <p>12 don't want to confuse the people. So wherever</p> <p>13 they work, we want them to look the same.</p> <p>14 Q What kind of cross-training do you do?</p> <p>15 A It would be the basic training to the</p> <p>16 site-specific things, depending on geography. So</p> <p>17 to get maximum use of the officers, especially</p> <p>18 part-time officers, who may geographically live</p> <p>19 halfway between Burlington and Lakeland, we'll</p> <p>20 cross-train them so that they can pick up extra</p> <p>21 hours. We can have greater flexibility in our</p> <p>22 scheduling. So all of the officers with the basic</p> <p>23 training, the policies that are consistent and</p> <p>24 uniform, they'll be cross-trained for individual,</p> <p>25 specific things that happen at a given site. Some</p>

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<p>1 officers will be cross-trained at numerous sites.  2 Some will only have their base and not be  3 cross-trained anywhere else.  4 Q The cross-training we were just talking about,  5 that's done on a site-to-site basis by a  6 supervisor to bring the officer up to speed as to  7 the specific policies of that site?  8 A Sure. Supervisors and sergeants would have a role  9 in that because oftentimes the officer already has  10 a basic understanding of the overall policy. So  11 it's a matter of understanding on this shift,  12 that's when we door openings. Here are some  13 specific things like we talked about before that  14 we do, medical records runs, anything that might  15 be unique to learning the facility as well as  16 learning the physical layout of the facility.  17 Q You had talked about communication devices that  18 were issued to an officer. From what you were  19 saying, it sounded like you were saying those were  20 issued when they show up for their shift on site.  21 It's not something they take home with them.  22 A Correct.  23 Q And I think you had said pagers, walkie-talkies,  24 any other communication devices?  25 A Those are primarily the two that we would use.</p>	<p>1 them to have. They would have it with them for  2 the entire shift.  3 Q And that includes, of course, the meal break  4 period as well?  5 A Correct.  6 Q Are the officers trained on how to use these  7 communication devices?  8 A Yes, they are.  9 Q And who does that training?  10 A Again, that would be the supervisor or the  11 sergeant, depending on the level of complexity of  12 training needed.  13 Q Are there written policies in terms of the  14 communication device?  15 A Not that I can think. There's not a specific  16 policy that says communication devices. The radio  17 are captured in the equipment policy, I believe,  18 uniform/equipment policy which we talk about that  19 those are tools that they use. They are trained  20 to a degree in that IAHSS class that I indicated  21 that has a chapter on communication, I believe,  22 and radio use, the etiquette of radio use, the  23 importance of radio use, the importance of  24 maintaining contact for security officers covered  25 in that document.</p>
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<p>1 Q And does --  2 A There are a couple sites, I'm sorry, that have had  3 cell phones because of the size of the facility  4 and the fact that the officer works alone, and  5 they're out in the Hinterland, and they're afraid  6 that they might not get a radio call or whatever.  7 So a couple of our sites have assigned cell phones  8 too, that's departmental, that they would use only  9 when they're on site.  10 Q Those are not personal cell phones?  11 A Correct.  12 Q How are the officers issued the pagers,  13 walkie-talkies, or in some cases cell phones?  14 A When they came on duty, they would pick up  15 whatever device or devices that they're site has  16 deemed they need to have with them to be able to  17 receive calls for that particular shift.  18 Q Is there a form they fill out for checking them  19 out or anything like that?  20 A Oftentimes, that would be reflected on the  21 activity blotter that we talked about earlier.  22 Q And is the officer required to carry whatever  23 communication devices at all times?  24 A That would be my expectation. They would have  25 whatever their site deemed was appropriate for</p>	<p>1 Q I'm sorry, what document?  2 A The IAHSS training manual that we have all  3 officers go through.  4 Q And that manual, does Aurora have a copy of that  5 manual, or do you have access to a copy of that  6 manual?  7 A Sure. Those are distributed to all the sites.  8 When new officers come on, they may need to study  9 for it. They can study. We also have a couple  10 backup copies in our office.  11 Q And just bear with me, I'm sorry. That's the  12 manual that is used for the test that you talked  13 about that they take on the computer?  14 A Yes.  15 Q Do you have access to a copy of that test?  16 A No. We don't have copies. Even when it was a  17 paper test, either myself or another senior member  18 of IAHSS, if you had that level of membership,  19 would proctor the paper test, but with the  20 understanding that you couldn't copy or maintain  21 any questions, to maintain the integrity of the  22 test. So there are no copies of the test outside  23 of IAHSS.  24 Q The third type of equipment that you talked about  25 is equipment that's issued after an officer is</p>

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<p>1 certified or qualified to carry that type of</p> <p>2 equipment, correct?</p> <p>3 A Correct.</p> <p>4 Q And how does Aurora determine when an officer is</p> <p>5 qualified to carry that type of equipment?</p> <p>6 A One of the three trainers that I named earlier</p> <p>7 will put officers through the training for that</p> <p>8 two-day class of management of aggressive behavior</p> <p>9 and DAAT, defense and arrest tactics. At the end</p> <p>10 of that class, they test the proficiency of</p> <p>11 whether or not they feel these officers understand</p> <p>12 both how to use it and the rules of use of force,</p> <p>13 and if they feel comfortable, they will certify,</p> <p>14 and then they will be given that equipment.</p> <p>15 Q You talked about handcuffs, and what other</p> <p>16 equipment?</p> <p>17 A Pepper spray, OC spray, and baton, a collapsible</p> <p>18 baton.</p> <p>19 Q Is the baton and the pepper spray basically the</p> <p>20 two strongest pieces of equipment in terms of the</p> <p>21 force of the officers? Terrible way to ask it,</p> <p>22 but do you know what I mean?</p> <p>23 A Yes. In terms of the lethality, you know, yes,</p> <p>24 those are the more serious -- more serious pieces</p> <p>25 of equipment they carry.</p>	<p>1 assignment, could be informational, could be</p> <p>2 information. Could be specific to that officer,</p> <p>3 requesting that you do a valuable return to</p> <p>4 Room 104, or it could be something generic that</p> <p>5 goes out to multiple officers, or even to a single</p> <p>6 officer such as we have a report of a lost child,</p> <p>7 here's the description, keep your eye out for</p> <p>8 them. All they would need to do is acknowledge</p> <p>9 that.</p> <p>10 Q Are the communication devices the main way in</p> <p>11 which the security officers understand their tasks</p> <p>12 for the particular workday?</p> <p>13 A I wouldn't say the overall tasks, but there are</p> <p>14 specific assignment in a given moment. So their</p> <p>15 overall tasks are -- they may get more</p> <p>16 information. There may be a specific task that</p> <p>17 they're asked to do during the briefing, for</p> <p>18 example. So during the briefing when they come</p> <p>19 in, somebody may say we have a priority task to do</p> <p>20 extra parking lot patrols or whatever. So they</p> <p>21 could get that in that format, or they could get</p> <p>22 it in realtime as something that happened.</p> <p>23 Q So a typical day in the life of a security</p> <p>24 officer, he or she shows up for their shift, they</p> <p>25 get a briefing on things that are going on in the</p>
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<p>1 Q Officers aren't allowed to carry firearms in any</p> <p>2 way, are they?</p> <p>3 A No, they are not.</p> <p>4 Q Is that a policy?</p> <p>5 A Yes, it's covered in -- not so much. It is</p> <p>6 covered in our department policy. It's also</p> <p>7 covered by the Aurora policy about no guns in the</p> <p>8 workplace.</p> <p>9 Q Going back to the communication devices, what type</p> <p>10 of information is communicated over those devices?</p> <p>11 A Well, for the radio, it's generally a two-way type</p> <p>12 of communication. It would be either the dispatch</p> <p>13 center, another officer radio to radio at sites</p> <p>14 where you have multiple officers working</p> <p>15 simultaneously, or it could be the switchboard.</p> <p>16 So that's a realtime, two-way conversation.</p> <p>17 Obviously, cell phones, our cell phones, they</p> <p>18 would be able to receive or send a call, make a</p> <p>19 call. And pagers are pretty static, where they</p> <p>20 would need to receive a page either numeric, to</p> <p>21 call a number, or possibly the pager set up for a</p> <p>22 text message.</p> <p>23 Q And what kind of information is the officer</p> <p>24 getting over the communication device?</p> <p>25 A Could be any type. Could be a request to take an</p>	<p>1 facilities, and then they also get certain</p> <p>2 assignments over the communication devices that</p> <p>3 they're expected to respond to?</p> <p>4 A Correct.</p> <p>5 Q In addition to any sort of ongoing general job</p> <p>6 duties that they might have?</p> <p>7 A Right. Some officers have specific assignments</p> <p>8 that they work on. Some are responsible for</p> <p>9 checking fire extinguishers. So they may have</p> <p>10 specific tasks that they work on in the course of</p> <p>11 the day that is somewhat self-directed.</p> <p>12 Q And the security officer basically couldn't do</p> <p>13 their job without the briefing at the start of the</p> <p>14 shift so that they would know circumstances that</p> <p>15 were going on that day?</p> <p>16 A I wouldn't say they couldn't do their job. I</p> <p>17 don't know if they would be effective if they</p> <p>18 weren't getting the information they were provided</p> <p>19 at the beginning of their shift.</p> <p>20 Q And they couldn't do their job without the</p> <p>21 communication devices to find out what's urgent</p> <p>22 and what's going on at the facility?</p> <p>23 A Again, I would think not that they couldn't do</p> <p>24 their job, but they couldn't do it very</p> <p>25 efficiently if they weren't able to be</p>

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<p>1 communicated to in realtime assignments, yes.</p> <p>2 Q Right. It would be very inefficient if you had to</p> <p>3 sort of pass through word of mouth that there was</p> <p>4 a fire and that had to get to the security officer</p> <p>5 without some sort of electronic communication</p> <p>6 device?</p> <p>7 A Yes, with the exception some of our code</p> <p>8 situations would go overhead announcement, but</p> <p>9 that's presuming the officer was in a position to</p> <p>10 hear them.</p> <p>11 Q The communication that is going over these</p> <p>12 devices, who is receiving that information?</p> <p>13 Obviously the officer that has the device. Is</p> <p>14 anybody else receiving it?</p> <p>15 A If there are multiple officers on, they're each</p> <p>16 carrying a radio. They'll all hear the same</p> <p>17 transmission. So for example, at Sinai and Luke's</p> <p>18 and to a lesser degree, West Allis, where we have</p> <p>19 multiple officers working, the dispatcher can put</p> <p>20 out a message to a specific officer giving him or</p> <p>21 her an assignment would be heard by other officers</p> <p>22 carrying that radio so that they're not dedicated</p> <p>23 to one officer, or it could be a group</p> <p>24 notification such as a lost child. They'd all</p> <p>25 hear simultaneously.</p>	<p>1 whether it was an emergent call, correct?</p> <p>2 A They'd have to monitor it if it wasn't a static</p> <p>3 device like a cell phone or a pager. Otherwise,</p> <p>4 they shouldn't be getting it, but yes. More often</p> <p>5 than not, the officer is carrying a radio, so he</p> <p>6 would need to monitor it or be able to hear it.</p> <p>7 Q But they'd also have to monitor a pager as well as</p> <p>8 to make sure that he or she wasn't receiving a</p> <p>9 page?</p> <p>10 A Yes, right. They'd need to be able to hear it.</p> <p>11 So the volume would have to be on, that sort of</p> <p>12 thing, yes.</p> <p>13 Q And being able to respond to emergency situations</p> <p>14 is also a necessary function of the Aurora</p> <p>15 security officer's job, correct?</p> <p>16 A Absolutely.</p> <p>17 Q Is there ever a point in a Aurora security</p> <p>18 officer's shift where he or she would be allowed</p> <p>19 to be out of communication?</p> <p>20 A Would you define out of communication? Being able</p> <p>21 to hear?</p> <p>22 Q That's a good way to say it. I would also say</p> <p>23 where there would be no way for anyone in Aurora</p> <p>24 to communicate with that officer?</p> <p>25 A The expectation is that if they're -- the only</p>
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<p>1 Q And other than the officers, whether it's the one</p> <p>2 officer on duty or if there's two officers on</p> <p>3 duty, would anyone else receive that message?</p> <p>4 A Only ancillary if they happened to be to the</p> <p>5 vicinity where the radio went off and they heard</p> <p>6 it, but not by intent.</p> <p>7 Q Are you, in your capacity, are you listening to</p> <p>8 all messages at all facilities?</p> <p>9 A I hear no messages. I don't have a radio that</p> <p>10 gives me that level of detail.</p> <p>11 Q One of the purposes for the officers carrying</p> <p>12 these communication devices is to be able to, I</p> <p>13 think you said, efficiently respond to situations;</p> <p>14 is that fair?</p> <p>15 A Yes, its.</p> <p>16 Q Monitoring the communication over these devices is</p> <p>17 a necessary function of the security officer's</p> <p>18 job, correct?</p> <p>19 A Can you repeat that?</p> <p>20 Q The security officer monitoring the communication</p> <p>21 device, that's a necessary function of his or her</p> <p>22 job, right?</p> <p>23 A When not on lunch. Unless it's an emergent call,</p> <p>24 so I will qualify that.</p> <p>25 Q But they would to monitor it in order to know</p>	<p>1 time that would we're talking about is if they're</p> <p>2 on their lunch hour, they would need to be able to</p> <p>3 monitor a call. So other than that, there's not a</p> <p>4 time limit.</p> <p>5 Q And the officer would be expected to react to the</p> <p>6 call, an emergency call, even if he or she were on</p> <p>7 a meal break?</p> <p>8 A Correct.</p> <p>9 Q Failing to do so could result in discipline,</p> <p>10 correct?</p> <p>11 A It could.</p> <p>12 Q And I think I had asked this, but they're expected</p> <p>13 to react immediately to an emergency call, even if</p> <p>14 on a meal break?</p> <p>15 A Yes. If it's a true emergency, yes, definitely.</p> <p>16 (Recess taken)</p> <p>17 Q Continuing the deposition of Mr. Cummings here.</p> <p>18 Mr. Cummings, this morning, you had mentioned flip</p> <p>19 charts. What are flip charts?</p> <p>20 A They're documents that are posted around all of</p> <p>21 the medical centers that have basic emergency</p> <p>22 response protocols for any caregiver that's in the</p> <p>23 hospital. If they're color-coded, right now we</p> <p>24 use color-code systems, so red is fire, and yellow</p> <p>25 is bomb threat. So flip charts are those kinds of</p>

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<p>1 things that, I think I used those in terms of</p> <p>2 these are the emergent-type situations that one</p> <p>3 would expect a security officer to have as a</p> <p>4 priority call.</p> <p>5 Q And you've used the word or the term caregiver,</p> <p>6 and I've seen that on some of documents. What is</p> <p>7 a caregiver?</p> <p>8 A It's basically our term for employee.</p> <p>9 Q So any employee of Aurora is a caregiver?</p> <p>10 A Correct.</p> <p>11 Q And are the flip charts specifically for the</p> <p>12 security officers, or are they for all employees?</p> <p>13 A They're for all employees. That's the general</p> <p>14 response that explains what it is, and what basic</p> <p>15 precautions or response people need to take and</p> <p>16 then each department that has a designated role in</p> <p>17 responding to those situations, and I guess</p> <p>18 further training on those specifics.</p> <p>19 Q Are the flip charts, are they specific to the</p> <p>20 facilities themselves, or are they more of a</p> <p>21 general?</p> <p>22 A They're fairly general, except they will be</p> <p>23 modified if one of the conditions that's covered</p> <p>24 isn't applicable. For example, we have a</p> <p>25 condition pink, which is a theft of an infant. So</p>	<p>1 part of the production in this case. These are</p> <p>2 some of the ACT tracks from 2007, and I think</p> <p>3 what we're looking at here is roughly the</p> <p>4 first 10 pages or so of a report that started on</p> <p>5 October 7th, 2007.</p> <p>6 A Okay.</p> <p>7 Q What I want to know about this type of document is</p> <p>8 basically what is this, where does it come from,</p> <p>9 who creates it, and so on? So do you know how</p> <p>10 this document is created?</p> <p>11 A This is that electronic activity tracking. This</p> <p>12 is the paper printout. They had electronic</p> <p>13 activity tracking software that we use. So this</p> <p>14 would reflect individual calls that a specific</p> <p>15 officer was assigned to. It indicates the start</p> <p>16 time that they did it, that they received the</p> <p>17 call, when they arrived, when they completed it,</p> <p>18 and the total number of minutes, and then officer</p> <p>19 response time in minutes. If it was not an</p> <p>20 immediate, then there would be a number there. If</p> <p>21 they immediately acknowledged and went on the</p> <p>22 call, there was a zero. And this is, again,</p> <p>23 electronically captured at each site, and then we</p> <p>24 are able to use this for a number of reasons,</p> <p>25 including to see where we're spending our time,</p>
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<p>1 if we have medical centers that don't have an</p> <p>2 infant or a newborn area, then that would be</p> <p>3 immaterial.</p> <p>4 Q So certain things are omitted if they don't apply?</p> <p>5 A Correct.</p> <p>6 Q I think I might have heard you say the security</p> <p>7 officers are trained on these flip charts?</p> <p>8 A Correct.</p> <p>9 Q Who does that training?</p> <p>10 A Again, that would be part of the supervisory</p> <p>11 responsible training to make sure that they</p> <p>12 individually know what their role is in each of</p> <p>13 those conditions.</p> <p>14 (Exhibit Nos. 4 through 5W marked for</p> <p>15 identification)</p> <p>16 Q I am going to show you what has been marked as</p> <p>17 Exhibit 4. These are the documents starting with</p> <p>18 bates stamp AUR-JB and then the number 77621. You</p> <p>19 had looked at these previously?</p> <p>20 A Okay.</p> <p>21 Q You've had a chance to take a look at these</p> <p>22 documents?</p> <p>23 A Yes.</p> <p>24 Q I'll tell you what I did here. This is an excerpt</p> <p>25 from what we called ACT tracks that I received as</p>	<p>1 how much -- being able to quantify, for example,</p> <p>2 how much time do we spend of officer time, opening</p> <p>3 doors for people, or doing valuable handling so we</p> <p>4 can kind of get an idea of the value of the</p> <p>5 services we perform, where we're spending the most</p> <p>6 time from a productivity standpoint.</p> <p>7 Q A managerial tool for you to use to make sure that</p> <p>8 things are being done efficiently?</p> <p>9 A Yeah, efficiently, and just so we can see where</p> <p>10 we're spending our time. Efficiency would be is</p> <p>11 if we had a number of times where we were seeing</p> <p>12 the terrible responses because people were waiting</p> <p>13 long periods of time. So from that perspective,</p> <p>14 efficiency, yes.</p> <p>15 Q You had said these are the reports that we had</p> <p>16 talked about earlier. Are these a reflection of</p> <p>17 those IRMS reports?</p> <p>18 A No, these are just the activity. IRMS is the</p> <p>19 actual case report that an officer would write if</p> <p>20 they were doing a follow-up to a specific event.</p> <p>21 These are routine matters like a door opening or a</p> <p>22 patient valuable.</p> <p>23 Q How is the information being entered into the</p> <p>24 system in terms of a door opening? How does that</p> <p>25 get into this report?</p>

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<p>1 A At the site, the dispatcher would enter in that he 2 dispatched Officer Smith for a door opening at 3 15:20. Here it's Officer Botticelli. He arrived 4 at 15:20, which means he got it right away. That 5 took him until 15:34 to complete that, and that 6 would be entered into the computer that's provided 7 to the officers as one of the software tools. 8 Q And that's being done by the dispatcher, you said? 9 A It could be the dispatcher. At the sites where 10 the officers work by themselves, they could keep 11 track of it in a blotter or a notebook, and then 12 come back and data enter it as the time permitted 13 throughout the shift or at the end of the shift. 14 Q And this system, it's an Aurora system-wide system 15 that keeps track of that; is that right? 16 A Correct. 17 Q And the software that's being used by the 18 dispatcher or the security officer, whoever it may 19 be, it's the same type of software that they're 20 using to enter this information? 21 A Correct. 22 Q Are the officers trained on how to do that? 23 A Yes, they are. 24 Q By who? 25 A Primarily -- well, the supervisor has the primary</p>	<p>1 Exhibit 5 and Exhibit 4, everything that's in 2 Exhibit 5 -- I'm sorry. Everything that's in 3 Exhibit 4 should in some way be on Exhibit 5 as 4 well; is that correct? 5 A That would be my expectation. 6 Q But not everything that's on Exhibit 5 would make 7 it's way into Exhibit 4? 8 A Correct. 9 Q What are some of the extra items that are listed 10 on Exhibit 5 that are not in Exhibit 4? 11 A Well, some of them, like on the very first one, 12 Exhibit 5, it has the valuables, some specifics in 13 the valuables audits, which valuables envelopes 14 were there, and that they were still there at the 15 beginning of the shift. The money in the cash 16 envelopes were confirmed. There's more detail 17 here, which officers are working on that shift, 18 and what radio and key number that they were given 19 for that shift. That is not activity. That is 20 more informational, so that wouldn't be on there. 21 Without going through every single line item, the 22 only things that I would think that wouldn't be on 23 here is if it wasn't necessarily an assignment, 24 but maybe something more informational than an 25 assignment.</p>
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<p>1 responsibility, but oftentimes it would be the 2 sergeant or even another officer would show 3 another officer how to use the software. 4 Q Would an officer put down a lunch break in this 5 particular computer system? 6 A No, because it wasn't an activity they were 7 assigned to do. 8 Q Those are all the questions I have for you on 9 Exhibit 4. I'm going to show you what has been 10 marked as Exhibit 5, which has many sub parts. 11 I think it goes from 5, 5A, and then the last one 12 is 5W. I'm just going to show you this document. 13 MR. SCULLEN: I marked the first 14 one as 5A, of course. 15 MR. PARSONS: I'm sorry, Sean. 16 (Discussion off the record) 17 Q Going back on the record. Mr. Cummings, in front 18 of you I have what has been marked as Exhibit 5 19 and then Exhibit 5A through 5W. Can you tell me 20 what these documents are, in general? 21 A Sure. In general, these are daily activity 22 blotters for random dates for a number of our 23 different sites that are used by the loss 24 prevention staff to track activity. 25 Q And just so I understand the relationship between</p>	<p>1 Q Is that what these blotters are used for is 2 information? 3 A Well, it's a combination. It's for the 4 information of -- we have a way of tracking back. 5 So for example, we know on first shift, on 6 Saturday, September 1st, which valuable envelopes 7 were there, who checked them in, and that they 8 were confirmed that we had all that property in 9 our possession and they were accounted for. So 10 that would be informational. Then the other pages 11 of it show the documentation of what actually ends 12 up in the ACT track, which are officer 13 assignments. 14 Q So just, you know, as a big picture issue, the ACT 15 track is showing officer assignments, and that's 16 Exhibit 4, and then Exhibit 5, which is the 17 blotters, is showing assignments, but then also 18 informational pieces that are not assignments, 19 such as what money is there in the security 20 envelopes and things like that? 21 A That would be accurate. 22 Q And who is reviewing these blotter reports? 23 A The sergeant or supervisor could review them, or 24 if they've assigned an officer to make sure that 25 everything from these are in the ACT track report,</p>

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<p>1 that officer might review them. So it could be a</p> <p>2 number of people that would review these. I would</p> <p>3 very rarely review these routine documents unless</p> <p>4 it was a specific issue I'd have to look at, like</p> <p>5 a theft or a missing patient valuable.</p> <p>6 Q You would be more likely to review the ACT track</p> <p>7 reports in Exhibit 4 because those are more</p> <p>8 managerial reports?</p> <p>9 A That would be accurate.</p> <p>10 Q And is there any information on these daily</p> <p>11 blotters about lunch breaks that officers would</p> <p>12 take?</p> <p>13 A My expectation would be that they would put that</p> <p>14 in the daily blotter if somebody went to lunch,</p> <p>15 but that wouldn't be an assignment. So that</p> <p>16 wouldn't necessarily be in the ACT track.</p> <p>17 Q If you took a minute, could you find me an</p> <p>18 example of where there's a note about a lunch in</p> <p>19 Exhibit 5?</p> <p>20 (Discussion off the record)</p> <p>21 A For example, the second page of Exhibit 5 --</p> <p>22 Q That has a bates stamp number of 77352 at the</p> <p>23 bottom?</p> <p>24 A Correct. The first two indications up there where</p> <p>25 it says officer number 706 and officer 113 were at</p>	<p>1 an activity log during their shift?</p> <p>2 A Correct. An activity log is filled out for each</p> <p>3 shift. It could be done by one officer or it</p> <p>4 could be done by combination of officers to</p> <p>5 accomplish that.</p> <p>6 Q Or a dispatcher?</p> <p>7 A Or a dispatcher.</p> <p>8 Q I think you said this, but let me just make sure.</p> <p>9 Is it your expectation that every time an officer</p> <p>10 would take a lunch, that that would be recorded on</p> <p>11 these daily activity blotters?</p> <p>12 A My expectation would be because it would be good</p> <p>13 to note, you know, for it to be documented. If in</p> <p>14 the case where an officer is working all by</p> <p>15 themselves for the shift, if they didn't put it</p> <p>16 in, I guess it wouldn't be as crucial only because</p> <p>17 it's not telling somebody else that they're not</p> <p>18 available then. However they handled that, by</p> <p>19 calling the switchboard or whatever, might not be</p> <p>20 as important. That could be then captured in the</p> <p>21 Kronos if they didn't have a lunch. Otherwise, it</p> <p>22 would be presumed that they would have had a</p> <p>23 lunch.</p> <p>24 Q That's all the questions that I have for you for</p> <p>25 Exhibit 5.</p>
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<p>1 lunch at a specific time.</p> <p>2 Q Thank you. Just to clarify a conversation that we</p> <p>3 had off the record, in general terms, what these</p> <p>4 items are are the first and last pages of the</p> <p>5 various activity logs that were produced as part</p> <p>6 of the case, and those are stapled together first</p> <p>7 and last. And so for example, Exhibit 5A is an</p> <p>8 activity log that we put together from the</p> <p>9 documents produced starting with bates stamp</p> <p>10 number 71007 and going all the way to 75447. So</p> <p>11 these are not full copies of the activity logs,</p> <p>12 but rather excerpts of various documents.</p> <p>13 What it appears to me, in reviewing these</p> <p>14 documents, is it appears that the same basic</p> <p>15 information from various facilities is captured on</p> <p>16 these reports, but each facility might have a</p> <p>17 different style of the report. Does that make</p> <p>18 sense?</p> <p>19 A It does, and that's probably accurate. Each of</p> <p>20 them can develop an activity log that works for</p> <p>21 them in terms of how much additional information</p> <p>22 they're trying to capture and what makes sense for</p> <p>23 them in terms of managing the data.</p> <p>24 Q But the general idea is that all the security</p> <p>25 officers in Aurora in some way or another fill out</p>	<p>1 (Exhibit No. 6 marked for</p> <p>2 identification)</p> <p>3 Q Mr. Cummings, I'm showing you what has been marked</p> <p>4 as Exhibit 6. Do you know what this document is?</p> <p>5 A Yes.</p> <p>6 Q What is it?</p> <p>7 A It's a paper copy of the employee handbook, dated</p> <p>8 June 29th, 2009.</p> <p>9 Q Is this the most current version of that document?</p> <p>10 A To the best of my knowledge, it is, yes.</p> <p>11 Q Is this an employee handbook for just security</p> <p>12 officers, or is this for all Aurora caregivers or</p> <p>13 something else?</p> <p>14 A Well, the handbook is for all caregivers, but I</p> <p>15 notice that part of the pages in the back is the</p> <p>16 policy manual specific for my department. So</p> <p>17 there's a combination of documents here.</p> <p>18 Q Can you help me break this up then?</p> <p>19 A Sure. It appears that up to the number on the</p> <p>20 bottom right up to 000072 is the employee</p> <p>21 handbook, which is for all employees. And the</p> <p>22 document that starts 73 and beyond is either my</p> <p>23 policy --</p> <p>24 Q Might be more than one.</p> <p>25 A Yeah, more department-related policies and</p>

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<p>1 procedures, yes.</p> <p>2 Q So am I correct then that starting with 73 at the</p> <p>3 bottom and going all the way to 170, those are all</p> <p>4 policies specific to the security officer</p> <p>5 department?</p> <p>6 A Policies or procedures, yes.</p> <p>7 (Discussion off the record)</p> <p>8 (Exhibit No. 7 marked for</p> <p>9 identification)</p> <p>10 Q So Exhibit 6 is the employee handbook for all</p> <p>11 Aurora caregivers; is that correct?</p> <p>12 A Correct.</p> <p>13 Q And then Exhibit 7 is -- do you know what</p> <p>14 Exhibit 7 is?</p> <p>15 A It is policies and procedures specific to my</p> <p>16 department.</p> <p>17 Q Are the training materials that we talked about</p> <p>18 earlier today, are those contained in Exhibit 7?</p> <p>19 A The training policy should be in there.</p> <p>20 MR. SCULLEN: Go to 83.</p> <p>21 A Yes, starting with 000083 is the training.</p> <p>22 Q Those are all the questions I have on those</p> <p>23 documents for now.</p> <p>24 (Exhibit No. 8 marked for</p> <p>25 identification)</p>	<p>1 A That's correct.</p> <p>2 Q I'm noting, if you turn to the second page of</p> <p>3 Exhibit 8, which is bates stamped 77359, item</p> <p>4 number 5 says meal periods must be at least 30</p> <p>5 minutes in length; do you see that?</p> <p>6 A Yes.</p> <p>7 Q This appears to be a meal period policy,</p> <p>8 and there's meal period policies elsewhere in</p> <p>9 Exhibits 6 and 7, I believe. Can you sort of</p> <p>10 explain to me which one of these policies was in</p> <p>11 effect, or is there a single policy?</p> <p>12 A It's the same policy -- it's the same guidelines</p> <p>13 or expectations, it's just in several places.</p> <p>14 Maybe for emphasis I know I put it in our policy</p> <p>15 to make sure that officers get it as part of our</p> <p>16 policy, but our policy would be subservient to the</p> <p>17 Aurora policy. They are not different. They're</p> <p>18 just reiterative.</p> <p>19 Q That was my question. If they were different, the</p> <p>20 one that would govern is the official Aurora</p> <p>21 policy; is that right?</p> <p>22 A That's correct.</p> <p>23 Q That's all I have for you on 8.</p> <p>24 (Exhibit No. 9 marked for</p> <p>25 identification)</p>
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<p>1 Q Showing you what has been marked as Exhibit 8, do</p> <p>2 you know what this document is?</p> <p>3 A Yes.</p> <p>4 Q What is it?</p> <p>5 A It's the Aurora policy on nonexempt and exempt</p> <p>6 employees.</p> <p>7 Q Is this policy part of Exhibit 6 or Exhibit 7?</p> <p>8 A I don't believe it's part of either of those.</p> <p>9 It's a policy that's Aurora-wide, not specific to</p> <p>10 my department. So it wouldn't be in 7, and it's</p> <p>11 supportive of 6 as part of the employee handbook,</p> <p>12 but it's not part of the employee handbook.</p> <p>13 Q Do you know where this document comes from? It's</p> <p>14 labeled policy number 176, so I'm assuming there's</p> <p>15 at least 176 policies somewhere?</p> <p>16 A Yes.</p> <p>17 Q Where is that?</p> <p>18 A Well, there's a full Aurora administrative policy</p> <p>19 manual that covers at least 176 different topics,</p> <p>20 and it's available either electronically, and many</p> <p>21 departments probably have printed copies as well.</p> <p>22 Q So there's the employee handbook, there's the</p> <p>23 specific security officer policies and procedures,</p> <p>24 and then there's an Aurora policy manual; there's</p> <p>25 at least those three different documents?</p>	<p>1 Q Then showing you what has been marked as</p> <p>2 Exhibit 9; do you know what this is?</p> <p>3 A It's a policy from the same manual titled payroll</p> <p>4 policy, number 77.</p> <p>5 Q And again, this is part of the Aurora</p> <p>6 administrative manual or policy manual?</p> <p>7 A Correct.</p> <p>8 Q That's all I had on that.</p> <p>9 (Exhibit No. 10 marked for</p> <p>10 identification)</p> <p>11 Q Showing you what has been marked as Exhibit 10, do</p> <p>12 you know what this is?</p> <p>13 A This looks like the table of contents for our</p> <p>14 system policy manual, which is clinical and</p> <p>15 administrative.</p> <p>16 Q If I understand things correctly then, Exhibits 8</p> <p>17 and 9 would both be a part of the full document</p> <p>18 that Exhibit 10 is the table of contents for?</p> <p>19 A Yes.</p> <p>20 (Exhibit No. 11 marked for</p> <p>21 identification)</p> <p>22 Q Showing you what has been marked as Exhibit 11, do</p> <p>23 you know what this is? I'm sorry, this may be</p> <p>24 more than one document as well. I'm not sure.</p> <p>25 A It seems to be. It's a combination of one looks</p>

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<p>1 like a page from the policy manual -- not the 2 policy manual, employee handbook on rest and meal 3 periods. And then I think some of these are the 4 copies of the same or similar documents to those 5 in -- there's a couple documents here that look 6 like they were part of the packet that I've 7 already seen that were my department's policies. 8 And then I see a document in here that I don't 9 recall, may or may not have been in that, which is 10 a new officer checklist, which would be used for 11 training, or to make sure officers are trained in 12 all these different, various tasks. 13 Q Where do all these documents -- who authored all 14 these various documents; if you know? 15 A Combination of people. Some of these -- the 16 handbook is handled through human resources. Some 17 of these documents were authored by me. Others 18 were authored by site or regional leadership that 19 just support procedurally how they handle these 20 things. So for example, the last one starting 21 46659 is the -- I'm not sure I can determine just 22 by looking at which site authored the specific way 23 for tracking the tasks that the officers were 24 being trained on because it doesn't have a header 25 on it.</p>	<p>1 also used by exempt employees through either an 2 editing function through the software or a 3 phone-in option to account for when they're going 4 to be taking paid time off or vacation time off. 5 Q So you would use Kronos for those functions? 6 A I would. 7 Q In terms of the security officers, you said they 8 swipe in with a photo ID; is that right? 9 A Yes. We have an ID card that has a photo ID. It 10 acts as Kronos card, access card, as well as, in 11 some sites, a debit card. 12 Q The photo IDs that are issued, are those the same 13 IDs issued system-wide? 14 A Yes. 15 Q When is an officer issued his or her photo ID? 16 A Usually on the very first day of hire, the 17 starting date. Not the starting date, but when 18 they start, the very first day. 19 Q According to policies and procedures, when do they 20 swipe into the Kronos machine? 21 A When they start their shift or when they end their 22 shift or if they leave during their shift where 23 it's not paid time. If they're leaving the 24 building. 25 Q When are security officers instructed that they</p>
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<p>1 Q Ultimately, there's a number of meal period 2 policies that are contained in here. Are these 3 all subservient to the policy contained in the 4 Aurora policy manual? 5 A Yes, and just a distinction, I see a procedure, 6 not necessarily a policy, which is slightly 7 different. 8 Q What's the distinction in your mind? 9 A The distinction is policy is more kind of a thou 10 shalt, and a procedure is more of how you 11 accomplish it. 12 Q Thank you. Let's talk about Kronos. What is 13 Kronos? 14 A Kronos is our automated time and attendance 15 system. 16 Q And who uses Kronos at Aurora? 17 A To some degree, all caregivers could use Kronos. 18 Q Can you walk me through how Kronos works? 19 A I'm not a subject matter expert on payroll 20 systems, but from a layman's standpoint, it's for 21 hourly employees. It allows their ID badge to be 22 used for swiping when they arrive and when they 23 leave, and when they start and stop working on a 24 specific time, so that they can automatically have 25 their hours calculated for pay. And Kronos is</p>	<p>1 have started their shift? 2 A They start getting paid from when they Kronos it, 3 when they swipe in. 4 Q I understand that. What I'm asking is when are 5 they supposed to do that? 6 A I believe there's a set number of minutes they 7 shouldn't be swiping in. They should swipe as 8 close as possible to their scheduled start time, 9 but they're probably given a minute or two leeway. 10 Q Are there any activities that the officers are 11 supposed to do before they swipe in? 12 A No. 13 Q So the first thing they do when they get to the 14 building is swipe in? 15 A Correct. 16 Q And that's the last thing they do when they leave 17 at the end of their shift? 18 A Correct. 19 Q Are they instructed as to how to do that? 20 A Yes. 21 Q And how is that done? 22 A I believe that's covered, to some degree, in new 23 employee orientation. Plus, if they have any 24 questions, their supervisor or sergeant or even 25 another officer could direct them. It's pretty</p>

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<p>1 simple.</p> <p>2 Q We've talked about new employee orientation a</p> <p>3 couple of times. Is that done just for security</p> <p>4 officers?</p> <p>5 A No, it's done for all new hires.</p> <p>6 Q And Aurora uses one Kronos system for the entire</p> <p>7 organization; is that right?</p> <p>8 A That's my understanding. I think Aurora Advanced,</p> <p>9 which is one of our newer affiliates, wasn't on it</p> <p>10 initially. I believe they're on it now.</p> <p>11 Q Have you ever seen a report generated by Kronos?</p> <p>12 A Not that I can recall.</p> <p>13 (Discussion off the record)</p> <p>14 Q You had mentioned that if an employee leaves</p> <p>15 during his or her shift, that they would swipe out</p> <p>16 on the Kronos system; is that right?</p> <p>17 A That's the expectation, yes.</p> <p>18 Q And then swipe back in when they return to work?</p> <p>19 A Correct.</p> <p>20 Q Do you know if there is a report that would show</p> <p>21 those ins and outs?</p> <p>22 A That would be part of the Kronos report system.</p> <p>23 Q And you haven't seen those reports, right?</p> <p>24 A Not that I can recall.</p> <p>25 Q As a part of your job in managing the security</p>	<p>1 A It's just a report. It's nothing that I can</p> <p>2 manipulate or change. It's just kind of a static</p> <p>3 report that I can read. For the two-week pay</p> <p>4 period, by site, by job category, by officer or a</p> <p>5 staff person, could be sergeant, on how many hours</p> <p>6 they were paid for, what their overtime is for the</p> <p>7 pay period, the date. Those sorts of things help</p> <p>8 me control the budget.</p> <p>9 Q So when you get it, it's macro, and it's not a</p> <p>10 Word document, it's not an Excel spreadsheet.</p> <p>11 What type of a document is it when you're looking</p> <p>12 at it electronically?</p> <p>13 A It's kind of a spreadsheet, but I don't know that</p> <p>14 it's Excel necessarily.</p> <p>15 Q It's certainly nothing that you have the ability</p> <p>16 to change?</p> <p>17 A Correct.</p> <p>18 Q Do you have to login to a system in order to get</p> <p>19 access to that report?</p> <p>20 A Yes.</p> <p>21 Q What system are you logging in to?</p> <p>22 A I'm logging in to the I-Connect and there's</p> <p>23 various applications that managers can use, and</p> <p>24 it's under web management reporting. And there's</p> <p>25 a number of different reports I can get, and</p>
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<p>1 officers, how do you keep track as to how many</p> <p>2 hours are being worked at the various facilities?</p> <p>3 A One of the tools that I can use is a label</p> <p>4 distribution report. I can pull up biweekly that</p> <p>5 shows all the officers, how many hours they worked</p> <p>6 in the last pay period, whether they were regular</p> <p>7 hours, overtime hours, those sorts of things. It</p> <p>8 gives me an idea of how much overtime we're</p> <p>9 running. If it's over what we budgeted for, you</p> <p>10 know, overtime is always a concern.</p> <p>11 Q Where does that report come from?</p> <p>12 A From the HRIS system, human resources information</p> <p>13 system. I'm not sure exactly where it resides.</p> <p>14 Q That's some sort of filtered data that's coming to</p> <p>15 you that has been produced by another department?</p> <p>16 A Well, yeah, it has been, I guess, produced by</p> <p>17 another department would be accurate based on the</p> <p>18 information that goes through Kronos. I'm not</p> <p>19 sure whether it's payroll, to what degree payroll</p> <p>20 owns it or human resources owns it.</p> <p>21 Q When it gets to you, does it show up</p> <p>22 electronically?</p> <p>23 A Yes, I get it electronically.</p> <p>24 Q And when you look at it, is it an Excel</p> <p>25 spreadsheet or is it a different form?</p>	<p>1 that's one of them.</p> <p>2 Q Is one of the reports you can look at through the</p> <p>3 I-Manage system a report that will tell you</p> <p>4 whether employees were asking for credit back on</p> <p>5 lunches that they worked through?</p> <p>6 A No.</p> <p>7 Q Is there such a report anywhere in the system?</p> <p>8 A Not to my knowledge.</p> <p>9 Q Is it your understanding that the Kronos system is</p> <p>10 used for running payroll for security officers?</p> <p>11 A Yes.</p> <p>12 Q Do you know who programmed the Kronos system?</p> <p>13 A I don't.</p> <p>14 Q Is your understanding the same as mine, that for</p> <p>15 every eight and a half hour shift that a security</p> <p>16 officer works, that a half-hour meal break is</p> <p>17 automatically deducted from their time?</p> <p>18 A I thought it was eight, but it could be eight and</p> <p>19 a half, but there is an automatic deduction for</p> <p>20 lunch period. I know the policy says for after</p> <p>21 six hours.</p> <p>22 Q And you don't know who programmed that into the</p> <p>23 system?</p> <p>24 A I do not.</p> <p>25 Q The half-hour deduction is a uniform policy that</p>

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<p>1 all Aurora security guards are subject to, 2 correct? 3 A Could you repeat that? 4 Q The automatic half-hour deduction, all the 5 security officers are subject to that? 6 A Yeah. Given the number of hours, correct. 7 Q My understanding is you are not going to be 8 testifying about FLSA or State of Wisconsin wage 9 and hour compliance issues; is that right? 10 A Correct. 11 (Exhibit No. 12 marked for 12 identification) 13 Q I'm showing you what has been marked as 14 Exhibit 12. Do you know what this is? 15 A It looks like it's a Kronos Practices document, 16 outlining practices for caregivers that work out 17 of the Aurora Medical Center in Oshkosh. 18 Q Is there a document that's similar to this for all 19 Aurora facilities? 20 A I'm not aware either way. 21 Q Do you know who created this document? 22 A I don't. 23 Q Do you have any idea who would know that? 24 A Since it's for all caregivers, it would be 25 speculative, but I would imagine somebody in human</p>	<p>1 fact, like a day after, and make a change without 2 some sort of an approval process by one up or 3 higher. 4 Q Let's talk about your understanding of the Aurora 5 meal break policy for security officers. If 6 everything goes according to how it should on a 7 daily basis, how does an Aurora security officer 8 take a lunch break? 9 A Could you repeat it? 10 Q Just a lunch break, what do they do? 11 A Well, depending if they're working alone, 12 obviously, there's self-directed decisions that 13 they have to make. If they're working with a 14 number of officers -- for example, if you have a 15 sergeant that's working with a number of officers, 16 one of the sergeant's responsibilities would be to 17 either assign or coordinate a lunch hour so that 18 they're don't overlapped, everybody is not gone at 19 the same time. 20 Other than that, if there's just two officers 21 working to coordinate between the two officers, 22 usually, unless it's something significant that we 23 anticipate is going to happen, a supervisor, 24 somebody would say We don't want you taking any 25 lunch hours between this time and this time, we</p>
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<p>1 resources might know who created it if they 2 didn't. 3 Q And you know that this is from Oshkosh because it 4 says For AMCO Caregivers? Is the O a designation 5 for Oshkosh? 6 A Yes, it is. 7 Q Thank you. Do you know who has the ability to 8 make changes to the information collected by the 9 Kronos system? 10 A You mean to edit individuals? There are probably 11 a number. I know people up your chain within your 12 department can make those changes. So a 13 supervisor could change an officer's, a manager 14 can change those below, I could change those below 15 me. Then obviously some in payroll could make an 16 adjustment. Someone in -- some human resources 17 could make an adjustment. 18 Q So an officer would not have the ability to make a 19 change to his own Kronos information without the 20 approval of at least a supervisor? I'm sorry, 21 without at least approval of the sergeant? 22 A You mean follow the policy or make changes after 23 the fact? 24 Q Make changes after the fact. 25 A I don't believe that an officer can go after the</p>	<p>1 have something going on. It would be pretty much 2 self-directed in terms of when it was a normal 3 lunch hour period and business -- or the calls 4 would allow for it. 5 Q Sort of the flip side of that, on days when 6 officers aren't allowed to take a lunch break or 7 they're interrupted during their lunch break, 8 what's the policy for getting credit back for that 9 time? Strike that, not the policy, but what's the 10 practical steps that they have to take to do that? 11 A They could go in and Kronos that they had no 12 lunch. They're supposed to advise their 13 leadership as to why to make sure that we're using 14 it appropriately, but if they get called off their 15 lunch and don't take it for whatever reason or if 16 they forgot to do that, it's an automatic 17 deduction, they could advise a sergeant, 18 supervisor, somebody that an adjustment needs to 19 be made because their lunch hour was interrupted, 20 and they forgot to go in and make the adjustment 21 in realtime. 22 Q So if they make the adjustment in realtime, what 23 happens next? 24 MR. SCULLEN: Object as to vague. 25 A Yeah, that day or at the end of the pay period?</p>

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<p>1 Q Maybe I misunderstood your answer. It sounded</p> <p>2 like you were describing two different ways that</p> <p>3 this could happen. One would be in realtime, the</p> <p>4 day they were interrupted, and one was some time</p> <p>5 subsequent to that day; did I understand that?</p> <p>6 A Yeah. If an officer is at their lunch and it gets</p> <p>7 interrupted and they should alter it so that they</p> <p>8 can start their lunch over or get paid if they</p> <p>9 didn't take a lunch, they can do that themselves</p> <p>10 on that day. If they forgot to do it, then they</p> <p>11 would need to advise their supervisor or somebody</p> <p>12 to make that Kronos edit to say two days ago you</p> <p>13 didn't get lunch because you got called off, and</p> <p>14 you forgot to make the adjustment.</p> <p>15 Q If an officer is interrupted during their lunch,</p> <p>16 later in the shift is unable to make up that time,</p> <p>17 they can make a self-edit to the Kronos system?</p> <p>18 A That's my understanding, yes.</p> <p>19 Q Does anything else have to happen in order for</p> <p>20 that to be approved?</p> <p>21 A Well, at the end of the pay period, the supervisor</p> <p>22 somewhere above approves the Kronos to make sure</p> <p>23 that these are accurate. So yeah, there's an</p> <p>24 approval process that happens after the fact, but</p> <p>25 it's more approved to send a message to payroll,</p>	<p>1 get back to that officer and say What time did you</p> <p>2 leave? You never Kronos'd out, and then they can</p> <p>3 edit adjustment because the officer can't go in</p> <p>4 and do it after the fact themselves.</p> <p>5 Q What types of things are they reviewing in terms</p> <p>6 of these canceled lunches?</p> <p>7 A Well, they would be looking to see if there was a</p> <p>8 valid reason for it. Not that they wouldn't still</p> <p>9 get paid, but whether was it necessary from the</p> <p>10 standpoint of, you know, that we want you to take</p> <p>11 your lunch hour. So are you necessarily getting</p> <p>12 your lunch hour interrupted? What are other</p> <p>13 options? Certainly from a cost control</p> <p>14 standpoint, we don't want to be incurring</p> <p>15 additional cost for the organization because</p> <p>16 they're not getting their lunch hour. So there's</p> <p>17 a number of reasons of what they would be looking</p> <p>18 for.</p> <p>19 Q Do the supervisors or sergeants then follow up</p> <p>20 with the officers to talk to them about why they</p> <p>21 were not taking a lunch?</p> <p>22 A Yeah, especially if there was a pattern. If there</p> <p>23 was one missed lunch occasionally, maybe the</p> <p>24 supervisor wouldn't necessarily follow up if they</p> <p>25 had firsthand knowledge that on Wednesday it was a</p>
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<p>1 Yeah, this is all accurate, go ahead and pay it,</p> <p>2 and that everybody signed it for the times they're</p> <p>3 supposed to if they forgot to sign out their</p> <p>4 Kronos for paid time off or vacation or something.</p> <p>5 But from the standpoint of a lunch hour, if it's</p> <p>6 after the fact, there's no real approval needed.</p> <p>7 In fact, it's not ever canceled. You didn't get a</p> <p>8 lunch, you get paid for it. So using the word</p> <p>9 approval, I just wanted to distinguish between</p> <p>10 approval of the fact that if an officer didn't get</p> <p>11 lunch, they get paid for it, period, or if they</p> <p>12 got interrupted and didn't get back to take a full</p> <p>13 lunch hour.</p> <p>14 So the other approval is just letting payroll</p> <p>15 know that somebody has looked this all over, and</p> <p>16 to the best of their ability and knowledge, this</p> <p>17 looks accurate so they can close it out and pay</p> <p>18 everybody.</p> <p>19 Q What types of things are the sergeants or</p> <p>20 supervisors reviewing in terms of reviewing for</p> <p>21 accuracy?</p> <p>22 A To make sure somebody didn't forget to swipe out</p> <p>23 at the end of the day. So otherwise, somebody</p> <p>24 swiped in at 7:00, left kind of in a hurry,</p> <p>25 forgot, never swiped out at 3:30, they'd need to</p>	<p>1 crazy, crazy day, and they noticed that the</p> <p>2 officer didn't have a lunch on Wednesday. There</p> <p>3 might be no reason to follow up if it would have</p> <p>4 been just normal day or there were three days that</p> <p>5 particular week, and none of them were known by</p> <p>6 the supervisor to be very busy, and yet an officer</p> <p>7 had no lunch three times, I would expect they</p> <p>8 would follow up and say What's going on? How come</p> <p>9 you're not getting your lunch in?</p> <p>10 (Recess taken)</p> <p>11 Q Mike, we're just about done. Can you walk me</p> <p>12 through for a security officer that wants to do</p> <p>13 one of those auto corrections for not being able</p> <p>14 to take a lunch during a particular day, can you</p> <p>15 walk me through what they physically have to do in</p> <p>16 order to make that happen?</p> <p>17 A I can't.</p> <p>18 Q Who could?</p> <p>19 A Probably anybody other than -- a supervisor could.</p> <p>20 I only have one direct -- out of all of my direct</p> <p>21 reports, only one of them is hourly, and she's so</p> <p>22 meticulous, I don't think I had to correct</p> <p>23 anything. I have the luxury, when I correct or</p> <p>24 approve Kronos at the end of a two-week pay</p> <p>25 period, I have all exempt people, so I couldn't</p>

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<p>1 actually tell you the physical steps they go</p> <p>2 through.</p> <p>3 (Discussion off the record)</p> <p>4 Q So what I'm asking is from a physical standpoint</p> <p>5 for the officer to swipe the card with the system</p> <p>6 and all of that, what do they do to mark a no</p> <p>7 lunch?</p> <p>8 A If they never got a lunch as opposed to got</p> <p>9 interrupted, I believe they would have to tell</p> <p>10 their supervisor, who would have to override it.</p> <p>11 I don't know if they can physically do it</p> <p>12 themselves. They may be able to. I really am</p> <p>13 ignorant on that physical thing of how they do it.</p> <p>14 If they swiped out to go to lunch because let's</p> <p>15 say they were going off site, which is the only</p> <p>16 time they would have to do that, when leaving the</p> <p>17 premises, and then they got called and came back,</p> <p>18 then they would again have to go -- they would</p> <p>19 swipe back in that they were back in, but then</p> <p>20 they would have it adjusted to show that they</p> <p>21 should be paid for that block that was not a</p> <p>22 complete 30 minutes, if that answers your</p> <p>23 question. I just don't know the physical things</p> <p>24 that they do other than swiping.</p> <p>25 Q That's really what my question was. So if you</p>	<p>1 that your expectation would be that security</p> <p>2 officers would note when they went on lunch. Is</p> <p>3 that true regardless of whether they remained on</p> <p>4 the premises or not?</p> <p>5 A It wouldn't be so dependent on whether they</p> <p>6 remained on premises, as it was if they were</p> <p>7 working alone and they needed to make sure that</p> <p>8 others knew that they were gone at that time,</p> <p>9 especially the dispatcher, if there's multiple</p> <p>10 officers. Certainly if they were off premises, I</p> <p>11 would expect that they would be logged in so we</p> <p>12 would know that.</p> <p>13 MR. SCULLEN: I don't have anything</p> <p>14 further.</p> <p>15 MR. PARSONS: No follow-up.</p> <p>16 (Adjourning at 2:00 p.m.)</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
Page 143	Page 145
<p>1 don't know, you don't know.</p> <p>2 MR. SCULLEN: The payroll person</p> <p>3 and/or Dawn -- they physically cancel when</p> <p>4 they swipe out at the end of the day.</p> <p>5 MR. PARSONS: That's all we have</p> <p>6 for you.</p> <p>7</p> <p>8 EXAMINATION</p> <p>9 By Mr. Scullen:</p> <p>10 Q Mike, I believe you testified earlier that you had</p> <p>11 responsibility for all loss prevention or security</p> <p>12 officers within Aurora Health and any of its</p> <p>13 affiliates or subsidiaries. Are there any</p> <p>14 affiliates or subsidiaries which fall outside your</p> <p>15 purview?</p> <p>16 A Yes, in terms of the staff. The Aurora Advanced</p> <p>17 facilities that joined us in 2008, they have their</p> <p>18 own small number of security officers and/or</p> <p>19 contract staff. When I said that I have</p> <p>20 responsibility for all of Aurora and to respond to</p> <p>21 the facilities, we can assist them from time to</p> <p>22 time if they need it, but that's very rare. So</p> <p>23 that small number of individuals, I have no</p> <p>24 contact or responsibility for.</p> <p>25 Q I have a question about Exhibit 5. You testified</p>	<p>1 STATE OF WISCONSIN )</p> <p>2 ) ss.</p> <p>3 COUNTY OF DANE )</p> <p>4 I, BRANDÉ A. BROWNE, a Registered Professional</p> <p>5 Reporter and Notary Public duly commissioned and</p> <p>6 qualified in and for the State of Wisconsin, do</p> <p>7 hereby certify that pursuant to notice, there came</p> <p>8 before me on the 6th day of December 2010, at 9:23 in</p> <p>9 the forenoon, at the offices of Quarles &amp; Brady, LLP,</p> <p>10 Attorneys at Law, 411 East Wisconsin Avenue, Suite</p> <p>11 2040, the City of Milwaukee, County of Milwaukee, and</p> <p>12 State of Wisconsin, the following named person, to</p> <p>13 wit: MICHAEL R. CUMMINGS, who was by me duly sworn</p> <p>14 to testify to the truth and nothing but the truth of</p> <p>15 his knowledge touching and concerning the matters in</p> <p>16 controversy in this cause; that he was thereupon</p> <p>17 carefully examined upon his oath and his examination</p> <p>18 reduced to typewriting with computer-aided</p> <p>19 transcription; that the deposition is a true record</p> <p>20 of the testimony given by the witness; and that</p> <p>21 reading and signing was not waived.</p> <p>22 I further certify that I am neither</p> <p>23 attorney or counsel for, nor related to or employed</p> <p>24 by any of the parties to the action in which this</p> <p>25 deposition is taken and further that I am not a</p> <p>relative or employee of any attorney or counsel</p>

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1 employed by the parties hereto or financially  
2 interested in the action.

3 In witness whereof I have hereunto set my  
4 hand and affixed my notarial seal this 10th day of  
5 December 2010.



*Brande A. Browne*

6  
7  
8 Notary Public, State of Wisconsin  
9 Registered Professional Reporter

10 My commission expires  
11 April 21, 2013  
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**Deposition of:** Rita C. Klopf

**Date:** December 6, 2010

**Case:** Jerry A. Brabazon v. Aurora Health Care, Inc.

**Printed On:** December 10, 2010

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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

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JERRY A. BRABAZON, individually,  
and on behalf of all others  
similarly situated,

Plaintiff,

v.

Case No. 2:10-CV-00714

AURORA HEALTH CARE, INC.,

Defendant.

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DEPOSITION

RITA C. KLOPF

Milwaukee, Wisconsin

December 6, 2010

Brandé A. Browne, RPR, CRR

Registered Professional Reporter

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## I N D E X

Witness	Pages
RITA C. KLOPF	
Examination by Mr. Parsons	4

## E X H I B I T S

No.	Description	Identified
20	Aurora active security officers' logins and logouts	16
21	Aurora current security officers' logins and logouts	23
22	Aurora terminated security officers' logins and logouts	27
23	AUR-JB 1-6	28
24	Pay information for security officers	28
25	Pay information for security officers	29
26	Punch detail reports	30
27	Loss prevention officers document	31

(The original exhibits were attached to the original transcript and copies were provided to counsel)

(The original deposition transcript was filed with Attorney William E. Parsons)

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DEPOSITION of RITA C. KLOPF, a witness of lawful age, taken on behalf of the Plaintiff, wherein Jerry A. Brabazon is Plaintiff, and Aurora Health Care, Inc. is Defendant, pending in the United States District Court for the Eastern District of Wisconsin, pursuant to notice, before Brandé A. Browne, a Registered Professional Reporter and Notary Public in and for the State of Wisconsin, at the offices of Quarles & Brady, LLP, Attorneys at Law, 411 East Wisconsin Avenue, Suite 2040, City of Milwaukee, County of Milwaukee, and State of Wisconsin, on the 6th day of December 2010, commencing at 4:10 in the afternoon.

## A P P E A R A N C E S

WILLIAM E. PARSONS and DAVID C. ZOELLER, Attorneys, for HAWKS QUINDEL, S.C., Attorneys at Law, 222 West Washington Avenue, Suite 450, Madison, Wisconsin 53701-2155, appearing on behalf of the Plaintiff.

SUMMER H. CARLISLE and LYNN M. NOVOTNAK, Attorneys, for HAWKS QUINDEL, S.C., Attorneys at Law, 700 West Michigan, Suite 500, Milwaukee, Wisconsin 53201-0442, appearing on behalf of the Plaintiff.

SEAN M. SCULLEN, Attorney, for QUARLES & BRADY, LLP, Attorneys at Law, 411 East Wisconsin Avenue, Suite 2040, Milwaukee, Wisconsin 53202-4426, appearing on behalf of the Defendant.

Also present: Dawn E. Faucett

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RITA C. KLOPF,  
called as a witness, being first duly sworn,  
testified on oath as follows:

## E X A M I N A T I O N

By Mr. Parsons:

Q Good afternoon, Ms. Klopf.

A Yes.

Q My name is Bill Parsons. I'll be taking your part of the 30(b)6 deposition today. Have you ever been deposed before?

A I was once about 15 years ago.

Q What was that related to?

A It was for a car accident.

Q General ground rules for depositions probably the same as they were back then. The court reporter can only take down one person's testimony at a time. So I'll try not to speak over you if you'll do the same for me.

A Okay.

Q When I ask you a question, if you answer, I'm going to assume you understood what I meant.

A Okay.

Q If you don't, please ask me to clarify, and I'll be happy to do that; is that fair?

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A Yes.

Q The other rule is that the court reporter can only take down verbal answers from you or from me, questions from me. So I'll ask no head nods or uh-huh. If you would please just speak the answer that you intend to give.

A Okay.

Q Thank you. Would you please give your full name for the record?

A My name is Rita C. Klopf.

Q And what's your date of birth?

A 5/13/53.

Q Where do you live?

A I live in Pewaukee.

Q Can you give me your home address?

A W283 N2187 Beach Road.

Q Thank you. Can you give me your educational background going back to high school?

A Graduated from Cudahy Senior High School.

Q What year?

A 1971.

Q Did you obtain additional education beyond your high school education?

A Yes, I did. I went to night school and received an associate's degree in supervision and

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<p>1 management from MATC.  2 Q What year was that?  3 A I think I finished it in 1996.  4 Q And any additional formal education beyond the  5 associate's degree?  6 A No.  7 Q Do you have any certifications?  8 A No.  9 Q Do you have any licenses?  10 A No.  11 Q You're currently employed with Aurora; is that  12 correct?  13 A Yes, it is.  14 Q And your job title is the manager of payroll  15 systems?  16 A Correct.  17 Q How long have you been in that particular job  18 title?  19 A I've been a manager since May of 2005.  20 Q And what was the role that you were in -- I'm  21 sorry, did you work for Aurora prior to that?  22 A Yes, I did.  23 Q What was the role you were in prior to that?  24 A Previous to that, I was the payroll coordinator.  25 Q For about how long?</p>	<p>1 operational, more or less a database administrator  2 to make sure everything is in sync. The hours are  3 interfaced properly. I do support on our HRIS  4 system mainframe to make sure that the system is  5 paying people properly. So I take it from the  6 front end of the time entry to make sure it's  7 interfaced correctly, to make sure it's posted  8 properly, and to make sure our caregivers are paid  9 appropriately.  10 Q Today, I'm going to show you what has been  11 previously marked as Exhibit 1. It's right on  12 top. Wonderful. Have you seen this document  13 before?  14 A I saw parts of it. Yes, I have seen this.  15 Q Certain people from Aurora have been designated to  16 testify as to certain topics on this list. Do you  17 know which items you're going to be testifying to?  18 A Probably 3 and 4. I would say 3 and 4 would be  19 the areas.  20 Q Let's talk about topic area number 4, which is  21 Aurora's payroll system. What qualifies you to  22 testify as to that particular topic?  23 A In the payroll department, I probably have the  24 best knowledge of how everything works together  25 with the interfacing of the hours, how the pay</p>
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<p>1 A I started that in October of '95.  2 Q When did you start working for Aurora altogether?  3 A I started working for Aurora in October of '95. I  4 previously had been working for Trinity Hospital,  5 which became St. Luke's South Shore, through an  6 affiliation.  7 Q In your entire career, how many years of  8 experience would you say you have with payroll  9 work?  10 A With payroll, I started in 1971 at Trinity, and I  11 started with an IS background, and we used to  12 process the payroll for Trinity. And then we  13 automated using Kronos, I believe, in 1983, and I  14 was the point person for that automation, so I  15 pretty well coordinated that.  16 Q It's the same Kronos system that Aurora uses now?  17 A It's the same company, but it's different releases  18 of software running on different platforms.  19 Q Can you tell me your job duties as the manager of  20 payroll systems?  21 A As the manager of payroll systems, I oversee to  22 make sure that our 30,500 plus employees, the  23 automated portion of Kronos time and attendance.  24 We have a web entry, out time entry or input of  25 nonproductive hours, to make sure that it's all</p>	<p>1 practices are administered through the HRIS  2 system, shift differentials, weekend premiums, as  3 to how the system actually pays the employees  4 based on what we interface, so I would probably  5 have the best experience. I'm the person people  6 go to when they can't quite figure something out.  7 So I'm the resource.  8 Q You are the person I want to talk to. Does Aurora  9 process its payroll internally, or does it  10 contract with a third party?  11 A Internally.  12 Q And it has done that for at least the last three  13 or four years?  14 A Yes.  15 Q Who is the person at Aurora who's responsible for  16 processing the payroll?  17 A It's a hard answer. There's no one person. We  18 basically -- we'll call it to say the payroll is  19 complete. All the hours are interfaced. We will  20 then call the IS department operations, and they  21 will start the job process of running it. So it  22 would be probably the lead in the department is  23 usually the person to make that call, you know.  24 Q Who's currently the lead?  25 A Rose Kitzerow, K-i-t-z-e-r-o-w.</p>

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<p>1 Q Does Ms. Kitzerow report to you?</p> <p>2 A Laterally. She reports to Mari van Lieshout, who</p> <p>3 is the manager of the payroll department.</p> <p>4 Q Is that who you report to?</p> <p>5 A No, I do not.</p> <p>6 Q Who do you report to?</p> <p>7 A Tom Ewing.</p> <p>8 Q Who's Tom Ewing?</p> <p>9 A He's the vice president of financial operations.</p> <p>10 Q Who reports to you?</p> <p>11 A No one specifically. I don't have -- I cross -- I</p> <p>12 don't have a person who reports directly up to me.</p> <p>13 It's more or less across responsibility. So the</p> <p>14 entire payroll staff would report to me, kind of a</p> <p>15 matrix.</p> <p>16 Q As you would report to them?</p> <p>17 A Yes.</p> <p>18 Q Kronos is the system that Aurora uses to keep</p> <p>19 track of hours, and that information is what turns</p> <p>20 into the basis of how people are paid; is that</p> <p>21 right?</p> <p>22 A Correct.</p> <p>23 Q How is the Kronos information captured?</p> <p>24 A We have three methods of capturing the data. One</p> <p>25 method is through badge readers, where the</p>	<p>1 for you. I'm not going to let you in there.</p> <p>2 Q Is there an intermediary program between Kronos</p> <p>3 and Aurora's ability to process payroll?</p> <p>4 A No. We have interface files that will take the</p> <p>5 data summarized by the pay period by different pay</p> <p>6 codes. That information will go directly to the</p> <p>7 HRIS system. We run a validity check to make sure</p> <p>8 there's no bad labor levels. Anything that is</p> <p>9 real outstanding, someone's time has not been</p> <p>10 interfaced at all, it will check those sorts of</p> <p>11 things. But it goes directly from Kronos right</p> <p>12 over to the HRIS system.</p> <p>13 Q You weren't here, but we previously talked a</p> <p>14 little bit about the HRIS system. We've got</p> <p>15 Kronos records, and then there's, I'm assuming,</p> <p>16 some sort of payroll records; is that correct?</p> <p>17 A Correct.</p> <p>18 Q What format are payroll records kept in?</p> <p>19 A There are copies of the payroll records as to like</p> <p>20 pay statement information, basically a payroll</p> <p>21 register, that we keep on microfiche for the very</p> <p>22 old things. We have online microfiche. It's an</p> <p>23 optical file that you can go in and query and pull</p> <p>24 off data. I also have access to some of the pay</p> <p>25 information in database files for some history.</p>
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<p>1 employee will take their badge, based on the</p> <p>2 barcode on the back of the badge, will swipe in,</p> <p>3 swipe out, indicated department transfers, if</p> <p>4 that's applicable, a canceled meal if they did not</p> <p>5 get their lunch. Those are to be done on the</p> <p>6 site. We also have a telephone system that</p> <p>7 employees can use if they're at a site that</p> <p>8 doesn't have a badge reader or they have forgotten</p> <p>9 their badge, or maybe it's inconvenient on the</p> <p>10 other side of the building, so they can use the</p> <p>11 telephone system to login and logout.</p> <p>12 During the last three years, we did have two</p> <p>13 different methods on the phone system. We had a</p> <p>14 conversion, I believe, in December of '08, that we</p> <p>15 converted to a different phone system, but it was</p> <p>16 basically the same thing. You could do exactly</p> <p>17 the same.</p> <p>18 Q All of those records, whether you're swiping in</p> <p>19 with a card or calling in on the phone, that's all</p> <p>20 going into the Kronos system, and if I wanted a</p> <p>21 report that gave me all that information, I can</p> <p>22 get it, right?</p> <p>23 A Correct.</p> <p>24 Q Are you the person who can tell me how to do that?</p> <p>25 A You couldn't get it, but I would probably get it</p>	<p>1 Q In terms of the security officers that Aurora has</p> <p>2 employed for the last three years, would their</p> <p>3 payroll information be on microfiche or would it</p> <p>4 be in Excel format?</p> <p>5 A The payroll information is on microfiche. Some of</p> <p>6 the data is on -- in a database file that that</p> <p>7 information could be queried against.</p> <p>8 Q How long does Aurora preserve its payroll</p> <p>9 documents?</p> <p>10 A We have access to the data back seven years, I</p> <p>11 believe. I believe it's seven years.</p> <p>12 Q You just mentioned a database. What's the name of</p> <p>13 that database?</p> <p>14 A It's part of our HRIS system. It is not like an</p> <p>15 Oracle database or anything like that. Our HRIS</p> <p>16 system is homegrown, written. The database does</p> <p>17 not have a name. It's not like it's an Oracle</p> <p>18 database.</p> <p>19 Q Are you using the term database and HRIS</p> <p>20 interchangeably?</p> <p>21 A Yes. The database of different history files make</p> <p>22 up our HRIS system.</p> <p>23 Q What information is kept in the database in terms</p> <p>24 of payroll information, and how far back is it</p> <p>25 kept?</p>

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<p>1 A It depends on the piece of data. Some of the job</p> <p>2 history that people are in, that is kept -- I've</p> <p>3 seen up to 10 years of job history as we migrated</p> <p>4 through upgrades. So if you were going to find</p> <p>5 out what job someone was in 10 years ago, I could</p> <p>6 tell you what their position was. But to get back</p> <p>7 to pay statement, payroll registers, that goes</p> <p>8 back -- we usually keep those files seven years.</p> <p>9 Q One of the questions we've had today about the</p> <p>10 Kronos system is if an employee is -- a security</p> <p>11 officer, if a security officer wants to indicate</p> <p>12 on the Kronos system that he or she did not take a</p> <p>13 lunch that day or was unable to take an</p> <p>14 uninterrupted lunch, do you know physically how</p> <p>15 that person would do that?</p> <p>16 A Yes, I do.</p> <p>17 Q Can you explain that to me?</p> <p>18 A There's three different ways that an employee can</p> <p>19 indicate that they did not get their lunch for the</p> <p>20 day. The first, they can do at the badge reader</p> <p>21 on the way out the door. Before they exit out,</p> <p>22 before they logout for the day, there's a function</p> <p>23 key at the badge reader, F1 on the older style</p> <p>24 badge readers. It's indicated as a canceled meal.</p> <p>25 They press the function key, swipe their badge</p>	<p>1 canceled lunch?</p> <p>2 A Correct.</p> <p>3 Q What's the name of the phone system you were</p> <p>4 talking about?</p> <p>5 A The phone system is TTE. That is the current</p> <p>6 phone system. It is a product that we purchased</p> <p>7 from Kronos, I'd say, about three years ago.</p> <p>8 Sometimes it's referred to as IVR. That was the</p> <p>9 old one.</p> <p>10 Q Is IVR able to produce records?</p> <p>11 A The records are all strictly in Kronos. In</p> <p>12 Kronos, it's stored.</p> <p>13 Q I have a bunch of spreadsheets that I received as</p> <p>14 part of document production here.</p> <p>15 A Do you?</p> <p>16 Q I think you're the person to tell me about them.</p> <p>17 (Exhibit No. 20 marked for</p> <p>18 identification)</p> <p>19 Q I'm showing you, Ms. Klopff, what has been marked</p> <p>20 on the back, the very last page on the back as</p> <p>21 Exhibit 20.</p> <p>22 MR. SCULLEN: You want to identify</p> <p>23 the bates range?</p> <p>24 MR. PARSONS: Yeah, the bates range</p> <p>25 is 1107 and then consecutively until 1113 and</p>
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<p>1 once to cancel their meal. They swipe out a</p> <p>2 second time to logout for the day.</p> <p>3 Q And the Kronos system is set up to automatically</p> <p>4 deduct a half-hour for lunch unless something like</p> <p>5 that occurred?</p> <p>6 A Correct. The second way that the employee could</p> <p>7 have indicated would have been over the telephone.</p> <p>8 They could have indicated a clock code saying that</p> <p>9 they have canceled their meal. It's a clock code</p> <p>10 zero. By doing a clock code zero, pound, pound,</p> <p>11 and then a clock code 1 following that, that will</p> <p>12 cancel their meal and log them out for the day.</p> <p>13 The third way that a caregiver could indicate that</p> <p>14 they did not get their meal, if they forgot to do</p> <p>15 it at the clock or when they were reviewing their</p> <p>16 Kronos, we've given caregivers the opportunity --</p> <p>17 no, the function to review their time records</p> <p>18 right on I-Connect.</p> <p>19 They could communicate to their manager</p> <p>20 through an edit login the department, or some</p> <p>21 method of communication between the employee and</p> <p>22 the editor indicating that they were not able to</p> <p>23 get their half-hour lunch for the day.</p> <p>24 Q And Kronos can create a report that would indicate</p> <p>25 the days that employees worked and when they</p>	<p>1 then an out of sequence page labeled 2184 at</p> <p>2 the end.</p> <p>3 Q Do you know what this document is?</p> <p>4 A Yes.</p> <p>5 Q What is this?</p> <p>6 A This is a list of all of the log ins and log outs</p> <p>7 for the various employees. So I took a list of</p> <p>8 employees, produced all of their time</p> <p>9 transactions. These would have been transactions</p> <p>10 entered at the badge reader or over the phone.</p> <p>11 Q Do you know who generated this for document</p> <p>12 production?</p> <p>13 A I did.</p> <p>14 Q And who instructed you to do that?</p> <p>15 A I received the request from Dawn Faucett.</p> <p>16 Q And if I'm looking at this, Exhibit 20, at the top</p> <p>17 it says Aurora Active Security Officers, 8/20/07</p> <p>18 to 10/4/2010. What does that mean? What people</p> <p>19 were on this list?</p> <p>20 A This is a list of the security guards. I received</p> <p>21 a list of all of the security guards from Dawn, a</p> <p>22 list of active and terminated security guards, and</p> <p>23 I provided the list of all the clock entries for</p> <p>24 these people for that time period.</p> <p>25 Q So the folks on this spreadsheet were actively</p>

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<p>1 employed by Aurora as of October 4th, 2010; is</p> <p>2 that right?</p> <p>3 A Yes.</p> <p>4 Q And there's a bunch of columns in here. I know</p> <p>5 what most of them mean, but let me just make sure.</p> <p>6 The second column from the left is called time,</p> <p>7 and on the first for Lewis L. Adams, it has 6:56</p> <p>8 and then below that 15:31?</p> <p>9 A Right.</p> <p>10 Q What are those two --</p> <p>11 A Those are two time transactions that I received</p> <p>12 from Lewis. It's saying that on September 15th,</p> <p>13 2009, I have a login at 6:56 and then I have</p> <p>14 another login at 15:31.</p> <p>15 Q Login or logout?</p> <p>16 A There is no difference to the employee whether it</p> <p>17 is a login or logout. It is the sequence that</p> <p>18 they are received. So if the 6:56 was received</p> <p>19 before the 15:31, it sequentially posts these</p> <p>20 records.</p> <p>21 Q So it looks like based on this, Mr. Lewis clocked</p> <p>22 in 6:56 in the morning and presumably clocked out</p> <p>23 at 3:31 in the afternoon on that date?</p> <p>24 A Correct.</p> <p>25 Q And that would have been recorded based on him --</p>	<p>1 their PTO time over the phone, at the badge</p> <p>2 readers, and through the I-Connect system also.</p> <p>3 Q Is there a document that has a list of all the</p> <p>4 different types?</p> <p>5 A There is a document I used for my Kronos class</p> <p>6 that I give to my editors to explain these codes</p> <p>7 to them. It's nothing in the policy or anything</p> <p>8 like that. There is one other type, and that is</p> <p>9 on 2184.</p> <p>10 Q Okay.</p> <p>11 A There's a type G, which indicates to me that the</p> <p>12 employee has canceled their meal, and that</p> <p>13 indicates that this employee -- you'll see the</p> <p>14 IVR 1, 2, and 3. That means that they are using</p> <p>15 the phone system and they are using a tie line</p> <p>16 from that site. A tie line would be a direct dial</p> <p>17 so they don't have to do like a seven-digit</p> <p>18 telephone number. They'd do like a code 88 and</p> <p>19 then the extension, and that's why it has the</p> <p>20 designation of IVR 1, 2, or 3.</p> <p>21 Q There's a column that says org area. What does</p> <p>22 that mean?</p> <p>23 A That is just the organization in the area of the</p> <p>24 caregiver. It just tells me what department</p> <p>25 they're in. This is the security department.</p>
Page 19	Page 21
<p>1 A Swiping at a badge reader.</p> <p>2 Q Got it. If you go over a little bit further,</p> <p>3 there's a column that says employee number, and</p> <p>4 I'm assuming that we're looking at Mr. Lewis's</p> <p>5 employee number?</p> <p>6 A Correct.</p> <p>7 Q And then there's clock. What is that telling us?</p> <p>8 A That is a designation of clock that he has used.</p> <p>9 This one at 6:56 is in the lower level of site 40</p> <p>10 near telecommunications. The one at 15:31 was</p> <p>11 first floor by the emergency room. If you look --</p> <p>12 I'm trying to see if I can find one with a phone</p> <p>13 number on it.</p> <p>14 Q If it was a phone number, what would it look like?</p> <p>15 A It would look like a phone number, area code.</p> <p>16 Page 1112, under Michael Adams, see how that</p> <p>17 transaction came from 414-219-2000. That is a</p> <p>18 telephone number that was --</p> <p>19 Q And that does not have a time associated with it;</p> <p>20 is that --</p> <p>21 A Right. The reason it does not is because of the</p> <p>22 type column. The type A indicates a login or a</p> <p>23 logout. This is a type I. A type I is a time</p> <p>24 transaction. That would be like PTO scheduled,</p> <p>25 PTO unscheduled. We all our caregivers to post</p>	<p>1 That's what a 5056002 is.</p> <p>2 Q Looking at 2184, that you had just pointed out,</p> <p>3 James Leranthe, the one from November 11th, 2009</p> <p>4 with a G, which you're saying means canceled</p> <p>5 lunch. In the column to the far right, it says</p> <p>6 number canceled lunch. What does that mean?</p> <p>7 A I believe Nicci, who was preparing these documents</p> <p>8 matched them to the punch detail to say this was</p> <p>9 number 48 on this employee. This is like a</p> <p>10 cross-referenced number.</p> <p>11 Q What does that mean, number 48 on that employee?</p> <p>12 A From what Nicci told me, it is saying that if you</p> <p>13 look at the detail for the employee, it has a</p> <p>14 number next to it, and this is the number of the</p> <p>15 canceled. It's kind of like -- it's a tag.</p> <p>16 Q Am I understanding right that based on your review</p> <p>17 of Mr. Leranthe's records, this is telling us that</p> <p>18 this is the 48th canceled lunch?</p> <p>19 A I cannot say that. All I can say is that Nicci</p> <p>20 used this number on her report to match. So I</p> <p>21 would have to look at the report for Leranthe.</p> <p>22 Q Who's Nicci?</p> <p>23 A She is the administrative assistant.</p> <p>24 Q She's the administrative assistant that does some</p> <p>25 work for you?</p>

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<p>1 A For human resources.</p> <p>2 Q Do you know who Nicci reports to?</p> <p>3 A Dawn, I believe.</p> <p>4 Q Do you know what Nicci's last name is?</p> <p>5 A Hall.</p> <p>6 Q H-a-l-l?</p> <p>7 A H-a-l-l, and I believe it's N-i-c-c-i.</p> <p>8 Q Nicci ran a report. Do you know what that report is?</p> <p>9 A It is the detail.</p> <p>10 Q I have a bunch of reports. Maybe you can find it in there.</p> <p>11 A I don't know if she has it.</p> <p>12 (Recess taken)</p> <p>13 Q Is it okay if I call you Rita?</p> <p>14 A Yes.</p> <p>15 Q Rita, I had asked you to take a look at some of the spreadsheets that I had brought today. Are any of those the report that Dawn ran -- I'm sorry, not Dawn, that Nicci produced that you were referencing?</p> <p>16 A These are most of the reports that I had produced for Nicci. The -- I did not give this 48 to Nicci. She must have been counting because it says number of canceled lunches. I do not know if</p>	<p>1 A Crystal report is the software that we use to access the Kronos database and pull data elements. So I was looking for a specific group of employees with a specific time range. And these are all of the details of hours that were paid to the employees for worked time.</p> <p>2 Q I'm looking at Exhibit 21, and on the first page of that, page number 171, there's a line for Lewis L. Adams again from September 15th of '09. It says time in 6:56, time out 15:31, and then it says RND time. I'm assuming that means round time?</p> <p>3 A Correct.</p> <p>4 Q Do you know what the rounding program is that Aurora uses?</p> <p>5 A We use the parameters within Kronos to round employees to the tenth of an hour.</p> <p>6 Q Is it up and down?</p> <p>7 A Yes.</p> <p>8 Q And it's rounded -- can you tell me how it works?</p> <p>9 A We have a five-minute window for an employee before and after every 15 minutes out of the day. If the employee comes in within five minutes before like an hour or five minutes after, we will round both ways to the 7:00 point and pay the</p>
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<p>1 it was per person, per everyone or what, but I did not give that to her.</p> <p>2 Q But Nicci would know why she did that?</p> <p>3 A Correct.</p> <p>4 (Recess taken)</p> <p>5 (Exhibit No. 21 marked for identification)</p> <p>6 Q Showing you what has been marked as Exhibit 21, Rita, do you know what this is?</p> <p>7 A This is the detail of every day for the employee with their logins and logouts. This showed you the source -- Exhibit 20 showed you the source of the punch. This is how it ultimately resides on the Kronos record. So this is what we pay from.</p> <p>8 Q And this record is, this Exhibit 21 that we're looking at, is this something that came straight from Kronos, or were things done to it to change the report?</p> <p>9 A This was straight from Kronos.</p> <p>10 Q And you were able to produce this?</p> <p>11 A Yes.</p> <p>12 Q And was that just a matter of sort of running this report?</p> <p>13 A I had to create a Crystal report.</p> <p>14 Q What does that mean?</p>	<p>1 employee. Then every six minutes, they work, they will get paid a tenth of an hour because our HRIS system can only pay in tenths.</p> <p>2 Q And going further right in the columns there, there's a column that says ACTV, do you know what that means?</p> <p>3 A That is for activity. That would be used if the employee had inservice time, orientation. It would be a code that we used -- I do not see anything in the example. It is just a different way of coding the worked hours.</p> <p>4 Q Just for the record to be clear, this is an excerpt of a larger spreadsheet that was produced?</p> <p>5 A Correct.</p> <p>6 Q The next column says PROD hours, is that productive hours?</p> <p>7 A Correct.</p> <p>8 Q And I'm noticing that it looks like Mr. Adams here has a time in and a time out that's roughly eight and a half hours, but the productive hours says eight, and then there's a lunch deduction for .5; do you know what that's all about?</p> <p>9 A That is a automatic half-hour lunch deduction that is taken when an employee works beyond 6.1 hours.</p> <p>10 Q And that is automatically done by Kronos?</p>

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<p>1 A Correct.</p> <p>2 Q Do you know who programmed Kronos to do that?</p> <p>3 A That was done when we first automated. That was</p> <p>4 done by the team. We have some consultants</p> <p>5 working with us. I work with them, and it's part</p> <p>6 of the parameters.</p> <p>7 Q Do you know if Aurora took that automatic</p> <p>8 deduction before it used the Kronos system?</p> <p>9 A I don't know for sure.</p> <p>10 Q Do you know when it was that Aurora implemented</p> <p>11 the Kronos system?</p> <p>12 A We began -- we started some of our facilities late</p> <p>13 spring of '96.</p> <p>14 Q Are any of the members who were part of that</p> <p>15 transition team other than you still employed by</p> <p>16 Aurora?</p> <p>17 A Yes, there's still people around.</p> <p>18 Q Can you name the ones you remember?</p> <p>19 A Mary van Lieshout. She's the other manager for</p> <p>20 payroll. I know Carol Hadley, she was from</p> <p>21 benefits. Kathy Klobuchar, she was the vice</p> <p>22 president. I don't know if she was vice president</p> <p>23 at the time of compensation. You know, I don't</p> <p>24 know everyone who was on that team, but those are</p> <p>25 some of the names. I know they have been around</p>	<p>1 Q Rita, I'm showing you what has been marked as</p> <p>2 Exhibit 23 on the back. This has Aurora bates</p> <p>3 stamped numbers 1 through 6. Do you know what</p> <p>4 this document is?</p> <p>5 A I did not produce this document.</p> <p>6 Q Have you ever seen this document before?</p> <p>7 A No, I have not.</p> <p>8 (Discussion off the record)</p> <p>9 (Exhibit No. 24 marked for</p> <p>10 identification)</p> <p>11 Q Rita, showing you what has been marked as</p> <p>12 Exhibit 24, do you know what this document is?</p> <p>13 A Yes, it is. I do.</p> <p>14 Q Can you tell me what this is?</p> <p>15 A I was asked to provide the pay information for all</p> <p>16 of the security officers. Rather than going out</p> <p>17 to microfiche and printing out reams and reams of</p> <p>18 paper, I was asked to provide it in an Excel</p> <p>19 format. I was able to access the database back to</p> <p>20 2007 of the pay code entries. This is the pay</p> <p>21 statement information, what we had paid the</p> <p>22 caregivers, how much per hour, what shift it was</p> <p>23 on, the pay code that was paid.</p> <p>24 (Exhibit No. 25 marked for</p> <p>25 identification)</p>
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<p>1 for quite a while.</p> <p>2 Q I'm going to show you what I think is the sort of</p> <p>3 counterpart to Exhibit 21.</p> <p>4 (Exhibit No. 22 marked for</p> <p>5 identification)</p> <p>6 Q This is Exhibit 22. I'm sorry that this is so</p> <p>7 small when I printed it. Do you know what</p> <p>8 Exhibit 22 is?</p> <p>9 A This is the same report, but for the terminated</p> <p>10 security officers.</p> <p>11 Q Same information that --</p> <p>12 A Same information that we had in Exhibit 21.</p> <p>13 Q Is there a report from Kronos that shows the</p> <p>14 punches that would have been done during a shift?</p> <p>15 Would that have been captured on Exhibit 20?</p> <p>16 A Yes. Exhibit 20 would include all punches for</p> <p>17 these employees.</p> <p>18 Q So it wouldn't matter if they punched in, then</p> <p>19 punched out to leave the facility and then came</p> <p>20 back?</p> <p>21 A Right. If they had logged out for any reason, it</p> <p>22 would have been -- anything that I have in the</p> <p>23 file is in this report.</p> <p>24 (Exhibit No. 23 marked for</p> <p>25 identification)</p>	<p>1 Q Showing you what has been marked now as</p> <p>2 Exhibit 25, and I'm going to tell you that</p> <p>3 Exhibit 24 is just the first page of that</p> <p>4 spreadsheet, and Exhibit 25, I decided to print</p> <p>5 out a bunch of pages, for some reason, of a</p> <p>6 different spreadsheet. If I put these two</p> <p>7 documents together, it looks like I have pay</p> <p>8 information for Aurora security officers covering</p> <p>9 the entire statutory period from August 20th, 2007</p> <p>10 all the way until October 9th of 2010; am I</p> <p>11 understanding that correctly?</p> <p>12 A Correct. It is in two separate files because of</p> <p>13 the way the data is stored.</p> <p>14 Q But nonetheless, it is putting these together is</p> <p>15 complete and accurate?</p> <p>16 A Yes.</p> <p>17 Q And these two documents cover both terminated and</p> <p>18 current security officers, correct?</p> <p>19 A Correct.</p> <p>20 Q If I wanted to combine the information that is</p> <p>21 captured on Exhibits 24 and 25, which is the pay</p> <p>22 information for the security officers, with the</p> <p>23 automatic lunch deductions that have been taken,</p> <p>24 the half-hour each day for those security</p> <p>25 officers, is there a report that exists or could a</p>


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<p>1 report be created which would calculate the amount 2 of money that that would -- those lunch deductions 3 is worth? 4 A I don't have anything that I could do to 5 cross-reference between the Kronos to say against 6 the master file. 7 Q So just to understand your answer, I know that 8 such a report doesn't exist, but you could not 9 create such a report without -- I mean, without 10 actually doing some calculations? 11 A I can't answer whether I would be able to do it or 12 not because of the way the data is stored. 13 Q If there was anybody at Aurora that could do it, 14 are you that person? 15 A I would be the one that would have to do it. 16 MR. SCULLEN: And that is her 17 answer to say no, it cannot be done. 18 A I don't know how I would do it because of the way 19 the data is stored. 20 Q Sure. 21 (Exhibit No. 26 marked for 22 identification) 23 Q Rita, showing you what has been marked as 24 Exhibit 26, do you know what this is? 25 A This is the punch detail reports. I'm sorry, the</p>	<p>1 STATE OF WISCONSIN )  ) ss. 2 COUNTY OF DANE ) 3 I, BRANDÉ A. BROWNE, a Registered Professional 4 Reporter and Notary Public duly commissioned and 5 qualified in and for the State of Wisconsin, do 6 hereby certify that pursuant to notice, there came 7 before me on the 6th day of December 2010, at 4:10 in 8 the afternoon, at Quarles &amp; Brady, LLP, Attorneys at 9 Law, 411 East Wisconsin Avenue, Suite 2040, the City 10 of Milwaukee, County of Milwaukee, and State of 11 Wisconsin, the following named person, to wit: 12 RITA C. KLOPF, who was by me duly sworn to testify to 13 the truth and nothing but the truth of his knowledge 14 touching and concerning the matters in controversy in 15 this cause; that he was thereupon carefully examined 16 upon his oath and his examination reduced to 17 typewriting with computer-aided transcription; that 18 the deposition is a true record of the testimony 19 given by the witness; and that reading and signing 20 was not waived. 21 I further certify that I am neither 22 attorney or counsel for, nor related to or employed 23 by any of the parties to the action in which this 24 deposition is taken and further that I am not a 25 relative or employee of any attorney or counsel</p>
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<p>1 punch source reports for the terminated security 2 officers. 3 Q So this is -- 4 A This is exactly the same as Exhibit 20. It's just 5 one is active, one is terminated. 6 Q 20 and 26 go together? 7 A Go together, same report, same detail. 8 (Exhibit No. 27 marked for 9 identification) 10 Q Rita, showing you what has been marked as 11 Exhibit 27, do you know what this is? 12 A I did not produce this report. 13 Q And so do you know if this is something that Dawn 14 produced? 15 A I would expect -- I don't know. 16 Q Fair enough. 17 (Recess taken) 18 MR. PARSONS: That was all the 19 questions we have for Rita. I have a couple 20 more questions for Dawn. 21 (Adjourning at 4:57 p.m.) 22 23 24 25</p>	<p>1 employed by the parties hereto or financially 2 interested in the action. 3 In witness whereof I have hereunto set my 4 hand and affixed my notarial seal this 10th day of 5 December 2010. 6 7 8  9 My commission expires 10 April 21, 2013 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

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**Deposition of:** Mark A. Rountree

**Date:** December 20, 2010

**Case:** Jerry A. Brabazon v. Aurora Health Care, Inc.

**Printed On:** December 23, 2010

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FOR THE EASTERN DISTRICT OF WISCONSIN

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JERRY A. BRABAZON, individually,  
and on behalf of all others  
similarly situated,

Plaintiff,

v.

Case No. 2:10-CV-00714

AURORA HEALTH CARE, INC.,

Defendant.

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DEPOSITION

MARK A. ROUNTREE

Milwaukee, Wisconsin

December 20, 2010

Brandé A. Browne, RPR, CRR

Registered Professional Reporter

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<p>1 DEPOSITION of MARK A. ROUNTREE, a witness</p> <p>2 of lawful age, taken on behalf of the Plaintiff,</p> <p>3 wherein Jerry A. Brabazon is Plaintiff, and Aurora</p> <p>4 Health Care, Inc. is Defendant, pending in the</p> <p>5 United States District Court for the Eastern</p> <p>6 District of Wisconsin, pursuant to notice, before</p> <p>7 Brandé A. Browne, a Registered Professional Reporter</p> <p>8 and Notary Public in and for the State of Wisconsin,</p> <p>9 at the offices of Quarles &amp; Brady, LLP, Attorneys at</p> <p>10 Law, 411 East Wisconsin Avenue, Suite 2040, City of</p> <p>11 Milwaukee, County of Milwaukee, and State of</p> <p>12 Wisconsin, on the 20th day of December 2010,</p> <p>13 commencing at 9:40 in the forenoon.</p> <p>14</p> <p>15 APPEARANCES</p> <p>16</p> <p>17 WILLIAM E. PARSONS and DAVID C. ZOELLER, Attorneys,</p> <p>18 for HAWKS QUINDEL, S.C., Attorneys at Law,</p> <p>19 222 West Washington Avenue, Suite 450, Madison,</p> <p>20 Wisconsin 53701-2155, appearing on behalf of</p> <p>21 the Plaintiff.</p> <p>22 SEAN M. SCULLEN, Attorney,</p> <p>23 for QUARLES &amp; BRADY, LLP, Attorneys at Law,</p> <p>24 411 East Wisconsin Avenue, Suite 2040,</p> <p>25 Milwaukee, Wisconsin 53202-4426, appearing on</p> <p>behalf of the Defendant.</p> <p>Also present: Dawn E. Faucett</p>	<p>1 take down the testimony of one of us talking at</p> <p>2 the same time. So I'll try not to speak over you</p> <p>3 if you'll do the same. Additionally, the court</p> <p>4 reporter can only take down verbal answers. So</p> <p>5 I'll ask that if you're answering question, a yes</p> <p>6 or a no instead of a head nod or a shake. If I</p> <p>7 ask a question and you give an answer, I'm going</p> <p>8 to assume you understood what I asked. So if you</p> <p>9 don't understand what I ask, please ask me to</p> <p>10 clarify, and we'll try to get to a point where we</p> <p>11 understand each other; is that fair?</p> <p>12 A Yes.</p> <p>13 Q Can you give me your educational history, starting</p> <p>14 with high school?</p> <p>15 A I graduated high school in 1983 in Oklahoma,</p> <p>16 attended college for four years, have a degree in</p> <p>17 chemistry and mathematics.</p> <p>18 Q From what institution was that from?</p> <p>19 A Northeastern State University. It's in Oklahoma.</p> <p>20 Q What year did you graduate?</p> <p>21 A 1987.</p> <p>22 Q Any additional education after your degree from</p> <p>23 Northeastern?</p> <p>24 A Not as far as college. I do have</p> <p>25 certification-type education around compensation,</p>

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<p>1 which is a certified compensation professional,  2 and then from HR, the senior human resource  3 professional.  4 Q And those two certifications, what institutions or  5 bodies issue those?  6 A The certified compensation professional comes from  7 an organization called World At Work. It used to  8 formerly be called the American Compensation  9 Association. They changed their name a few years  10 back. It's the primary group that -- it's the  11 primary organization that compensation people  12 belong to around the world.  13 Q For how long have you been certified through that  14 organization?  15 A I don't know the exact date, but at least 10  16 years.  17 Q And that certification remains current?  18 A Yes.  19 Q What do you need to do to keep that certification  20 current?  21 A There's two ways. You can take the tests, there's  22 nine tests, you can take the tests over to remain  23 certified. The easiest way is through continuing  24 education credits. So they require us -- they  25 have certain rules around what education -- what</p>	<p>1 A Yes. In '91, I left the Army and worked for  2 Pfizer Pharmaceuticals for a short period of time,  3 selling pharmaceuticals. And then after that, I  4 moved back to Oklahoma and worked for a small  5 company, Oklahoma Southern Transportation, until  6 '96, and then I went to work for Muskogee Regional  7 Medical Center, which is a hospital, as a  8 compensation analyst.  9 Q What year was that?  10 A 1996.  11 Q What year did you start with Aurora then?  12 A 2002, I believe. Yeah, 2002.  13 Q So from '96 to 2002, you were employed by -- what  14 was the name of that?  15 A From '96 to 2001, I was employed by Muskogee  16 Regional Medical Center, and then I was at  17 Johnson Controls from 2000 to 2002.  18 Q And then Aurora after Johnson --  19 A Then Aurora after that, correct.  20 Q What was your position with Johnson Controls?  21 A A lead compensation analyst.  22 Q What were the duties of that job?  23 A The main duties focused around managing the  24 compensation for the corporate office, as well as  25 all the incentives, stock option projects, the</p>
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<p>1 qualifies, and then you submit that, it's a two or  2 three-year period, you submit that to them, and  3 they either approve it for renewal or don't. If  4 they don't, then you have to go back and take the  5 test over.  6 Q You mentioned a second certification?  7 A Yeah, that's more general. It's from SHRM,  8 Society for Human Resource Management. It's about  9 the same. I've had that for about 10 years as  10 well. It's the same process. You can either test  11 or you can do continuing education credits, and  12 they specify what counts or doesn't count for  13 that.  14 Q And that certification is current as well?  15 A Yes.  16 Q Any other education or certifications or  17 professional programs that you're involved in?  18 A No.  19 Q Can you give me your work history, dating back to  20 your first job out of college?  21 A Well, the first job out of college, wow, I  22 actually was in ROTC during college, so I went  23 directly into the Army from college for four  24 years.  25 Q So that covered '87 to '91 approximately?</p>	<p>1 performance reviews annually for that group. The  2 incentives and stock options was for the,  3 worldwide, for the executives was the main part of  4 the job.  5 Q Who did you report to in that job?  6 A Shad Hubbard, S-h-a-d, Shad.  7 Q Is Shad a man?  8 A Yes.  9 Q What position was Shad in?  10 A At the time, he was the manager of corporate  11 compensation.  12 Q And prior to that, when you worked for Muskogee,  13 what was your job title there?  14 A Compensation analyst.  15 Q And what were the job duties associated with that?  16 A The main job was to review the positions of the  17 organization, help set the budget every year for  18 the compensation budget, to grade jobs out from  19 how we're going to pay them, whether a job would  20 be exempt or nonexempt, and then mainly project  21 work around compensation.  22 Q You mentioned grading, whether they would be  23 exempt or nonexempt. So part of your job with  24 Muskogee at least involved wage and hour  25 compliance; is that right?</p>

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<p>1 A Yes.</p> <p>2 Q Did your job with Johnson Controls also involve --</p> <p>3 A To a certain degree. At the corporate office, the</p> <p>4 vast majority of the employees were exempt because</p> <p>5 it was executives and accountants, IT people,</p> <p>6 those type of things. So to a lesser degree, it</p> <p>7 did, but it was there too as well.</p> <p>8 Q Did any of your other jobs prior to Muskogee</p> <p>9 involve wage and hour compliance work?</p> <p>10 A No.</p> <p>11 Q Can you tell me about your wage and hour</p> <p>12 compliance work experience with Muskogee in a</p> <p>13 little more detail?</p> <p>14 A What it was mainly around, we had templates where</p> <p>15 you would -- if a job came in, we'd review that</p> <p>16 job as relation to a checklist to determine</p> <p>17 whether it would qualify to be exempt or</p> <p>18 nonexempt.</p> <p>19 Q And you didn't put together the checklist; is that</p> <p>20 right?</p> <p>21 A I might have modified them, but they were there</p> <p>22 when I first started.</p> <p>23 Q How would -- strike that. What would lead you to</p> <p>24 want to modify one of the checklists?</p> <p>25 A The flow mainly with those, that they just didn't</p>	<p>1 A If there were written policies that related to</p> <p>2 compensation, the HR -- the HR people in the field</p> <p>3 are at the sites, or even the managers would call</p> <p>4 and say I have this situation. What's the best</p> <p>5 way to handle it.</p> <p>6 Q In terms of your wage and hour compliance work in</p> <p>7 your position as the manager of compensation, can</p> <p>8 you tell me about that job function?</p> <p>9 A That job function as the manager when I started,</p> <p>10 was related to interpreting the policies that</p> <p>11 exist that were on wage and hour, because that</p> <p>12 would have been until late 2003. So it was only</p> <p>13 about a year and a half to two years at the most.</p> <p>14 So it would be interpreting what was already in</p> <p>15 existence at the time, and then utilizing -- we</p> <p>16 actually utilized a software package to determine</p> <p>17 whether jobs were exempt or nonexempt.</p> <p>18 Q What software package was that?</p> <p>19 A It's in the box. I can't think of the name of the</p> <p>20 exact company. It's ComplyWare, maybe.</p> <p>21 (Discussion off the record)</p> <p>22 Q I'm showing you what has not been marked for</p> <p>23 today, but which is a software box that says</p> <p>24 ComplyWare, FLSA on the front. Is this the</p> <p>25 software that you were just referring to?</p>
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<p>1 flow the way we would go through the process.</p> <p>2 Q So you weren't modifying them to change standards</p> <p>3 based on --</p> <p>4 A No.</p> <p>5 Q -- legal analysis or anything like that?</p> <p>6 A No. They were very standard, common checklists</p> <p>7 used by a lot of organizations.</p> <p>8 Q And you did very little wage and hour compliance</p> <p>9 work with Johnson Controls; is that a fair</p> <p>10 assessment?</p> <p>11 A That would be correct.</p> <p>12 Q Let's talk about your employment with Aurora. You</p> <p>13 said you started in 2002; is that right?</p> <p>14 A Correct.</p> <p>15 Q And what position were you hired into?</p> <p>16 A The manager of compensation.</p> <p>17 Q And tell me about the job duties associated with</p> <p>18 that.</p> <p>19 A The main role was to manage the day-to-day</p> <p>20 compensation function of our medical centers and</p> <p>21 clinics. Most of that revolved around job</p> <p>22 evaluation, restructures of the organizations,</p> <p>23 determining if jobs were exempt or nonexempt,</p> <p>24 interpreting policy, that type of stuff.</p> <p>25 Q What do you mean by interpreting policy?</p>	<p>1 A That is correct, yes.</p> <p>2 Q How did you use the software to determine whether</p> <p>3 or not someone was exempt?</p> <p>4 A The software contains templates built into it. It</p> <p>5 asks you questions, and you provide answers to</p> <p>6 those questions. As you're working through it,</p> <p>7 there's also the ability to toggle back in the</p> <p>8 regulations text if you need to. Your question</p> <p>9 that you answer prompts another question, and then</p> <p>10 it walks you all the way through, and at the end</p> <p>11 of this process, it tells you, from the software's</p> <p>12 perspective, whether it believes the job to be</p> <p>13 exempt or nonexempt based on how you answer those</p> <p>14 questions.</p> <p>15 Q So the way the software works is you're inputting</p> <p>16 facts about the job duties and descriptions, and</p> <p>17 then getting an opinion from the software as to</p> <p>18 whether the person is exempt or nonexempt; is that</p> <p>19 fair?</p> <p>20 A Correct, yes.</p> <p>21 Q And approximately how often would you determine</p> <p>22 whether or not a position was exempt or not using</p> <p>23 the ComplyWare software?</p> <p>24 A Well, the compensation analysts within the</p> <p>25 department use it the most. I would guess it's</p>

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<p>1 just a few times a week at most. A lot of the  2 jobs are, they come through, are revisions of  3 existing jobs, whether they're a rad tech, an  4 R.N., those type of roles. They're just very  5 consistent. And we treat some jobs as  6 nonexempt -- we treat almost all the jobs as  7 nonexempt even if they could qualify for exempt  8 based on the market.  9 Q I think you said compensation technician?  10 A Compensation analyst.  11 Q And is that a position that was subordinate to you  12 as a manager of compensation?  13 A Yes.  14 Q So were you actually entering the information in,  15 or were people entering it in for you?  16 A Well, some of them I entered it in if I was  17 dealing with the job or the request. But if a  18 request came to them, they would be doing it  19 themselves.  20 Q After your position as the manager of  21 compensation, what was the next position that you  22 held with Aurora?  23 A Director of compensation.  24 Q And is that your current position?  25 A Yes.</p>	<p>1 individual?  2 A Those three, yes, report to the manager of  3 compensation.  4 Q And who is that?  5 A That's Shannon Grall.  6 Q And does Ms. Grall report to you?  7 A Yes.  8 Q So at some point fairly early on in your  9 employment with Aurora, you were promoted to the  10 director of compensation. Can you tell me what  11 that job is all about, and how it differs from the  12 manager of compensation?  13 A It's similar to the manager with a few exceptions.  14 It does more around the strategy and the policy  15 development for the organization. It also has  16 responsibility for the executive comp and the  17 incentive programs within Aurora, where the  18 manager is more day-to-day, working with more  19 routine issues that come up or requests. The  20 director's job is more around, again, more  21 strategy, long-term planning, the budgeting for  22 the year, determining how Aurora is going to pay  23 people going into the following year.  24 Q More of a big picture position?  25 A It's a much bigger picture position.</p>
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<p>1 Q Is that a promotion?  2 A Yes.  3 Q When did that promotion take place?  4 A I don't remember the exact date, but it was  5 somewhere in 2002, late 2002, I believe.  6 Q What month was it approximately that you started  7 with Aurora?  8 A May.  9 Q So this occurred maybe less than a year into your  10 job with Aurora?  11 A I can't remember the exact dates, 2002. It could  12 have been 2003. I don't remember the exact date.  13 Q You were talking about the compensation analyst.  14 Do you know approximately how many compensation  15 analysts Aurora currently employs?  16 A We currently have four. We have three and one  17 opening.  18 Q And those analysts, do they all work out of the  19 same office?  20 A Yes.  21 Q Which office is that?  22 A It's the business center office on -- I don't know  23 what with street it is on. Forest Home, I guess,  24 would be the main road.  25 Q Do all of those analysts report to the same</p>	<p>1 Q As director of compensation, who do you report to?  2 A Kathy Klobuchar.  3 Q What's Ms. Klobuchar's title?  4 A She's the vice president of compensation benefits  5 and HR systems.  6 Q And who does she report to?  7 A She would report -- well, right now she's  8 reporting to Dwight Morgan as he's the interim  9 head of HR for the whole organization. There's a  10 search going on for that position.  11 Q As I understand it, Mr. Morgan reports to the  12 president of Aurora or maybe the CEO?  13 A Yeah. President and CEO of Aurora, correct.  14 Q And that's one person, president and CEO is one  15 title?  16 A Yes.  17 Q So between you and the CEO of Aurora, there's two  18 people, and then a direct report to the CEO?  19 A Correct.  20 Q And how many people report to you?  21 A Total, there is -- directly?  22 Q Yes.  23 A Three.  24 Q And who are those individuals?  25 A That would be Chris Miezin.</p>

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<p>1 Q Is Chris a man or a woman?</p> <p>2 A Man. I'm sorry, woman.</p> <p>3 Q So there's Chris Miezin, and what's Ms. Miezin's</p> <p>4 position?</p> <p>5 A She's the compensation analyst for projects.</p> <p>6 Q Was she one of the three compensation analysts</p> <p>7 that you just mentioned before?</p> <p>8 A No, she's in addition to that.</p> <p>9 Q And then in addition to Ms. Miezin?</p> <p>10 A Joyce Ballet, B-a-l-l-e-t, I believe.</p> <p>11 Q And what does Ms. Ballet do?</p> <p>12 A She's a senior compensation analyst.</p> <p>13 Q And the third person?</p> <p>14 A Jill Metrusias.</p> <p>15 Q What does Ms. Metrusias do?</p> <p>16 A She's a compensation analyst, but she handles all</p> <p>17 of our survey participation and loading into our</p> <p>18 electronic database. She's part-time.</p> <p>19 Q And the manager of compensation, your former</p> <p>20 position, that position does not report</p> <p>21 directly --</p> <p>22 A I'm sorry, that one as well. Shannon does as</p> <p>23 well.</p> <p>24 Q And Shannon, as the manager of compensation, was</p> <p>25 she the person that replaced you in that role, or</p>	<p>1 Q I'm going to show you what was previously marked</p> <p>2 at the first part of this 30(b)6 deposition as</p> <p>3 Exhibit 1. Have you seen this document before?</p> <p>4 A Yes.</p> <p>5 Q This is the 30(b)6 deposition --</p> <p>6 MR. SCULLEN: Let me just clarify</p> <p>7 for the record. I actually showed him the</p> <p>8 updated deposition notice. I assume it</p> <p>9 hasn't changed in relevant part, but I</p> <p>10 thought I would just clarify for the record</p> <p>11 so that he isn't confused. If there is a</p> <p>12 change, you should point it out.</p> <p>13 MR. PARSONS: I will state on the</p> <p>14 record that in relevant part, the document is</p> <p>15 not changed.</p> <p>16 Q If I could have you turn to the second page of</p> <p>17 that, Mr. Rountree. Do you understand that you've</p> <p>18 been designated as the person most competent to</p> <p>19 testify for Aurora as to topic number 6?</p> <p>20 A Yes.</p> <p>21 Q Let's just go through that and talk about that a</p> <p>22 little bit. The first sentence there says that</p> <p>23 you're competent to testify as to Aurora's</p> <p>24 policies and practices regarding meal periods,</p> <p>25 including the tracking and payment for on-duty</p>
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<p>1 were there other people in between her?</p> <p>2 A There was another person in between her,</p> <p>3 Steve Schroeder.</p> <p>4 Q And Mr. Schroeder is the person who replaced you</p> <p>5 when you were in that position?</p> <p>6 A Yes.</p> <p>7 Q How long was he in that role?</p> <p>8 A I don't know for sure, but close to two years, and</p> <p>9 then he moved into our employment area as manager</p> <p>10 of employment.</p> <p>11 Q He is still with Aurora?</p> <p>12 A No, he has since left.</p> <p>13 Q So he took another position with Aurora and then</p> <p>14 subsequently left?</p> <p>15 A Yes.</p> <p>16 Q Do you know if he's still in the state of</p> <p>17 Wisconsin?</p> <p>18 A Yes. He's at Wisconsin Lutheran College. He's</p> <p>19 the head of HR there.</p> <p>20 Q So I think we had four people that reported to</p> <p>21 you, Chris Miezin, Joyce Ballet, Jill Metrusias,</p> <p>22 and Shannon?</p> <p>23 A Grall, G-r-a-l-l.</p> <p>24 Q Anyone else that directly reports to you?</p> <p>25 A No.</p>	<p>1 meal periods. Can you tell me what your</p> <p>2 qualifications are to testify as to that topic?</p> <p>3 A The meal periods policy is part of our functional</p> <p>4 area. It's our responsibility to maintain and</p> <p>5 revise that policy as needed. Qualification-wise</p> <p>6 would be the organizations that we belong to or</p> <p>7 that I belong to provide a large amount of</p> <p>8 educational materials related to wage and hour.</p> <p>9 They maintain significant databases around pretty</p> <p>10 much all those topics. We use the Department of</p> <p>11 Labor website, the Department of Workforce</p> <p>12 Development. The certifications that we've talked</p> <p>13 about earlier were also contained in the</p> <p>14 regulatory sections in those as well.</p> <p>15 As well as we use -- we have a lot of HR</p> <p>16 consulting companies that we work with that</p> <p>17 provide updates as changes come out, the e-mail,</p> <p>18 they provide webinars, been to seminars, both with</p> <p>19 Quarles &amp; Brady and Foley, on wage and hour</p> <p>20 updates and regulations.</p> <p>21 Q And you said that it's -- you might have said it's</p> <p>22 your department or your job that's responsible for</p> <p>23 maintaining and revising the meal break policies;</p> <p>24 is that right?</p> <p>25 A That would be correct, yes.</p>

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<p>1 Q Do you work with any other -- strike that. Are</p> <p>2 you the person who has the final say in revising</p> <p>3 the meal break policy, or are there other</p> <p>4 individuals that you need to get clearance from in</p> <p>5 order to do so?</p> <p>6 A As far as the drafting policy that would come out</p> <p>7 of our area, it would then go to my boss Kathy for</p> <p>8 review and then eventually to the head of HR to</p> <p>9 review and decide whether it can be approved and</p> <p>10 put into the policy manual, or if it even needs</p> <p>11 further review with the administrative team before</p> <p>12 it goes into the policy manual.</p> <p>13 Q So it would be reviewed by Kathy and then</p> <p>14 eventually by Dwight Morgan before a final</p> <p>15 decision is made; is that right?</p> <p>16 A Final approval, yes. Minimally, that would be the</p> <p>17 two people that would look at it. If the policy</p> <p>18 relates to other departments, they would also be</p> <p>19 asked to give feedback on that as well.</p> <p>20 Q And I'm assuming there might be a review by the</p> <p>21 legal department or something like that as well?</p> <p>22 A Yes.</p> <p>23 Q So the next sentence of this topic is the identity</p> <p>24 of any individuals who participated in setting</p> <p>25 those policies, meaning the meal break policies.</p>	<p>1 now -- I don't recall what we modified in '04. It</p> <p>2 could have been just minor wording changes. Since</p> <p>3 it's such a direct policy, there isn't much we</p> <p>4 could have changed related to how it functions and</p> <p>5 operates. We need to clarify what we changed</p> <p>6 during that '04. I don't recall, but it was</p> <p>7 updated in '04.</p> <p>8 Q When it was changed in '04, were you involved in</p> <p>9 the change?</p> <p>10 A I don't recall. That's why I need to see what was</p> <p>11 changed to make sure.</p> <p>12 Q I understand what you're saying. So it was</p> <p>13 changed in '04. You may or may not have been</p> <p>14 involved, but you're looking into that; is that</p> <p>15 right?</p> <p>16 A Correct.</p> <p>17 Q If the policy was changed in '04, who else besides</p> <p>18 you would have possibly been involved in that</p> <p>19 change?</p> <p>20 A It could have been Kathy at the time. It could</p> <p>21 have been Laurie Mahoney, our former head of HR</p> <p>22 for the system. It could have been -- I don't</p> <p>23 know if Dawn's department, not necessarily her.</p> <p>24 At the time, there was a Diane Eckstrand in the</p> <p>25 role kind as a VP of corporate HR that might have</p>
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<p>1 What makes you competent to testify as to that</p> <p>2 area?</p> <p>3 A Well, the policies that I have, you know, dealt</p> <p>4 with and revised or created myself, I would know</p> <p>5 who has seen those and provided input to them.</p> <p>6 Other policies I would not know directly who's</p> <p>7 involved.</p> <p>8 Q I'm just concerned with the meal break policy. So</p> <p>9 in terms of the current status of that policy and</p> <p>10 any changes that had been made to that policy, you</p> <p>11 know the individuals who were involved in making</p> <p>12 those decisions?</p> <p>13 A I'm not sure. I mean, prior to my arriving at</p> <p>14 Aurora, no. Anything that happened since I've</p> <p>15 been in the role that I've changed, I would.</p> <p>16 Q So any changes that have been made to the meal</p> <p>17 policy from 2002 to present or at least since</p> <p>18 you've been in the role of director of</p> <p>19 compensation to present, you know the individuals</p> <p>20 who were involved in making those decisions?</p> <p>21 A I'm not 100 percent sure on all the changes on the</p> <p>22 meal break policy.</p> <p>23 Q What parts are you unsure about?</p> <p>24 A It was modified in '04. It's a very basic policy,</p> <p>25 very straightforward. We're trying to find out</p>	<p>1 changed something as well.</p> <p>2 Q Since 2004, has the policy been changed?</p> <p>3 A No, it has not.</p> <p>4 Q So in your tenure as the director of compensation,</p> <p>5 the policy has only been changed once?</p> <p>6 A Correct.</p> <p>7 Q The next portion of this topic says the materials</p> <p>8 or advice relied on in setting those policies,</p> <p>9 again, meaning meal break policy. If the policy</p> <p>10 was only changed in 2004, and you're not sure if</p> <p>11 you were involved in that, are you able to testify</p> <p>12 as to what advice or what was relied on in making</p> <p>13 that change?</p> <p>14 A Not with that particular policy, no.</p> <p>15 MR. SCULLEN: Let me just clarify</p> <p>16 for the record. To the extent you're</p> <p>17 questioning him about the system policy</p> <p>18 titled meal and break period, there are other</p> <p>19 system policies that address meal and break</p> <p>20 periods that may have been reviewed more</p> <p>21 recently. So you might want to just clarify</p> <p>22 your question with him in that regard.</p> <p>23 Q Mr. Rountree, you had mentioned that your</p> <p>24 department or position was in charge of</p> <p>25 maintaining and revising the Aurora meal break</p>

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<p>1 policy. What policy did you mean by that?</p> <p>2 A Well, it's the policy specifically titled work</p> <p>3 week and meal periods, I believe is what it's</p> <p>4 called. There are a few other policies that we</p> <p>5 have that have been more recently created and</p> <p>6 revised that also refer to meal periods.</p> <p>7 Actually, with a little more detail than that</p> <p>8 policy does.</p> <p>9 Q Are you talking about Aurora system policy</p> <p>10 number 34, work week and meal and rest periods?</p> <p>11 A Yes, correct.</p> <p>12 Q You said there were other policies that deal with</p> <p>13 meal breaks. What other policies are you talking</p> <p>14 about?</p> <p>15 A There's a policy titled nonexempt and exempt</p> <p>16 employee policy that deals with in more detail as</p> <p>17 to the meal periods than the actual work week and</p> <p>18 meal period policy does.</p> <p>19 Q And that's nonexempt and exempt employee policy,</p> <p>20 which is policy 176?</p> <p>21 A Yes.</p> <p>22 Q Any other policies that you were referring to?</p> <p>23 A The payroll policy has a short blurb in it about</p> <p>24 the meal periods as well; more in relation to how</p> <p>25 it's handled in payroll, but it still is mentioned</p>	<p>1 Q What was your role in that change?</p> <p>2 A I drafted the policy when it was initially put</p> <p>3 into place.</p> <p>4 Q Any other modifications to the meal break policy</p> <p>5 or meal break portions of these other policies</p> <p>6 that we were just discussing, other than the</p> <p>7 change in 2004 and the change that you just</p> <p>8 mentioned for the exempt/nonexempt employee</p> <p>9 policy?</p> <p>10 A No.</p> <p>11 Q And you're competent to testify as to the change</p> <p>12 to the exempt/nonexempt employee policy because</p> <p>13 you're the person who drafted the changed</p> <p>14 language?</p> <p>15 A Correct. There was extensive research done right</p> <p>16 after the regulations from the FLSA federal</p> <p>17 standpoint changed in '04. We did extensive</p> <p>18 research around how that impacted Aurora, and what</p> <p>19 we needed to create in that policy from a safe</p> <p>20 harbor standpoint, which is mainly on the exempt</p> <p>21 side. But we also took that opportunity to</p> <p>22 document in more detail how nonexempt employees</p> <p>23 should be handled as well just so that the</p> <p>24 managers and HR could understand what our</p> <p>25 direction was and how we needed to comply with</p>
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<p>1 in there as well.</p> <p>2 Q And that's Aurora system policy number 77, the</p> <p>3 payroll policy?</p> <p>4 A Yes.</p> <p>5 Q Any other policies?</p> <p>6 A Not that I'm aware of.</p> <p>7 Q The three policies we just talked about,</p> <p>8 policy 34, policy 77, and policy 176, were there</p> <p>9 any changes to those policies other than the</p> <p>10 change in 2004 that you discussed in your tenure</p> <p>11 as the director of compensation?</p> <p>12 A Yes. I believe the payroll policy has been</p> <p>13 updated as well. That section was not necessarily</p> <p>14 updated. It was more the payroll processing</p> <p>15 pieces of that policy. We also created and have</p> <p>16 revised the nonexempt/exempt policy since 2004.</p> <p>17 Q Have any of those policies been modified as it</p> <p>18 pertains to the portions of those policies that</p> <p>19 deal with meal breaks?</p> <p>20 A Yes.</p> <p>21 Q Which ones?</p> <p>22 A The nonexempt and exempt employee policy.</p> <p>23 Q And were you involved in that change to the</p> <p>24 policy?</p> <p>25 A Yes.</p>	<p>1 both the federal and state regulations.</p> <p>2 Q And you were involved in that project?</p> <p>3 A Yes.</p> <p>4 Q Who else was involved with that with you?</p> <p>5 A I'm trying to think back. It was mainly done,</p> <p>6 again, by the compensation department, which was,</p> <p>7 at the time, just me. There were different people</p> <p>8 who would have reviewed it just from a -- not say</p> <p>9 content as much as, you know, are the paragraphs</p> <p>10 right, you know, structure of that nature,</p> <p>11 spelling. You know, we would have gone through</p> <p>12 many renditions with other people to read it from</p> <p>13 that perspective just to make sure we didn't have</p> <p>14 typos and those types of things in it.</p> <p>15 Q Who was involved in it other than you whose</p> <p>16 function in that process was to make sure that the</p> <p>17 meal break language in there was in compliance</p> <p>18 with state and federal laws?</p> <p>19 A We would have -- it would have been reviewed by</p> <p>20 Kathy. I don't know that -- from the standpoint</p> <p>21 that it would have been to ensure compliance, but</p> <p>22 she would have reviewed it. It was reviewed by</p> <p>23 several of the HR vice presidents in the system.</p> <p>24 Q Do you remember who?</p> <p>25 A At the time, that would have been Diane Eckstrand,</p>

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<p>1 Peter Platten, who's no longer with the company,  2 Gene Krauklis, Dwight Morgan, and Gwen Baumel.  3 Q Do you know how long Kathy has been with Aurora?  4 A Approximately 20 years.  5 Q Do you know how long she has been in her current  6 position?  7 A I think 20 years she has been the head of comp and  8 benefits.  9 Q What about Dwight Morgan, how long has he been  10 with Aurora?  11 A I believe the same amount. Maybe a little bit  12 longer. He came to Aurora when St. Luke's and I  13 believe it was Sinai-Samaritan at the time merged.  14 He was the HR person at Sinai=Samaritan.  15 Q And was that like 1993 or so?  16 A I don't know for sure when that was.  17 Q How long has Mr. Morgan been in his current  18 position?  19 A In the interim role?  20 Q How long has he been in the interim role?  21 A Laurie left in July, so since July of 2010.  22 Q Prior to that, what position was he in?  23 A He was the vice president of basically human  24 resource operations, and that changed in 2009.  25 All the site-based VPs reported up to him.</p>	<p>1 system policy manuals.  2 Q And when you say the revision process, how does  3 that process start?  4 A We would review the policy. If we found there  5 were things that needed to change, we would draft  6 those changes, and once we had agreement from  7 various sources, such as we would use the various  8 resources to make sure that the compliance, if  9 there was a major change, is correct, and we would  10 have probably a legal review of that as well. And  11 once everyone is in agreement that it says what it  12 says, and the intent is in agreement with what the  13 law states, there's a form that's filled out  14 that's attached to the policy that says here's  15 what we're changing and why. That's then sent up  16 to Dwight's office basically.  17 They review that, and if the policy -- they  18 make a determination there whether they just  19 approve it at that level and it gets published, or  20 if it needs to go to the administrative leadership  21 for review. Most of these policies don't go to  22 that level.  23 Q But in terms of making sure that the meal break  24 policy is in compliance with Wisconsin and federal  25 wage and hour laws, you can tell me everything</p>
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<p>1 Q And so then the last topic that I wanted to ask  2 you about, or make sure that you're competent to  3 testify on, is the efforts taken by Aurora to  4 ensure that it's meal break policies remain in  5 compliance with the Wisconsin and federal wage and  6 hour laws. Is that one of your job duties?  7 A Yes, that would be correct.  8 Q And who do you report to on that issue?  9 A I'm sorry, clarify what --  10 Q Let me ask that a different way. Are you the  11 ultimate person at Aurora who's responsible for  12 the meal break policy's compliance with Wisconsin  13 wage and hour laws?  14 A I don't know that I would be the ultimate person.  15 I believe that would go up through higher levels  16 than me. It's my responsibility to review the  17 policies periodically and make sure that they stay  18 in compliance with both the federal and state  19 regulations.  20 Q And when you're doing that review, who do you  21 report your opinions to?  22 A If there's no change, we wouldn't report anything.  23 If there's a change, we would go through the  24 revision process and send that up for approval so  25 that the policy actually gets updated in our</p>	<p>1 Aurora does to make sure that that happens?  2 A I don't know if I could tell you everything, but I  3 could tell you a lot of things that Aurora does.  4 Q What couldn't you tell me?  5 MR. SCULLEN: You want him to tell  6 you what he doesn't know? I'm not sure  7 that's a very fair question.  8 Q Is there a part of the process that you know about  9 that you can't tell me about?  10 A No.  11 Q That's fair enough.  12 (Discussion off the record)  13 Q Again, the topics that we just discussed in topic  14 number 6 in the deposition notice, you are the  15 person at Aurora who's most knowledgeable of these  16 issues; is that right?  17 A That's correct, yes.  18 Q Let's talk about Aurora's meal break policy, and  19 I'm going to start off by asking some questions  20 about the policy in general, but also as it  21 applies to Aurora's security officers or loss  22 prevention officers. Can you tell me, in general,  23 what is Aurora's meal break policy as it relates  24 to its security officers?  25 A Aurora's policy on meal breaks basically states,</p>

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<p>1 and in practice, we want employees to take a</p> <p>2 30-minute uninterrupted lunch if they work more</p> <p>3 than six hours in a day. We want them to try to</p> <p>4 take that away from the department so people won't</p> <p>5 come up and ask them business or work-related</p> <p>6 questions that would require them to either cancel</p> <p>7 the lunch or start it over.</p> <p>8 Q And Aurora's policy for paying its security</p> <p>9 officers for their lunch breaks is what?</p> <p>10 A It would be the same as all other employees. They</p> <p>11 would take the 30-minute uninterrupted lunch</p> <p>12 break, and they would not be paid for that 30</p> <p>13 minutes. If they were interrupted for some</p> <p>14 reason, then they would either be directed to</p> <p>15 cancel their lunch, or depending on how much the</p> <p>16 interruption was, they could start it over and get</p> <p>17 another 30 minutes after that of continuous time</p> <p>18 off.</p> <p>19 Q But in the absence of taking positive action to</p> <p>20 cancel the lunch, Aurora's policy is to</p> <p>21 automatically deduct a half-hour?</p> <p>22 A Yes, correct. For any employee who works over six</p> <p>23 hours, Aurora's policy is to automatically deduct</p> <p>24 30 minutes for their lunch, and then employees are</p> <p>25 instructed if they don't take the lunch, to cancel</p>	<p>1 irrelevant to find out how that decision was</p> <p>2 made to automatically deduct a half-hour. I</p> <p>3 think that might be fairly relevant.</p> <p>4 MR. SCULLEN: I guess we could</p> <p>5 maybe agree to disagree. Since we know it's</p> <p>6 in place and it has been, I don't think</p> <p>7 you're alleging that the simple fact of</p> <p>8 having an automatic deduction is illegal.</p> <p>9 MR. PARSONS: No, it certainly</p> <p>10 isn't.</p> <p>11 MR. ZOELLER: Any reasonableness is</p> <p>12 going to depend on what happened at the time</p> <p>13 the policy was implemented. I don't think it</p> <p>14 matters how far back in time that was.</p> <p>15 MR. SCULLEN: Well, I would</p> <p>16 disagree to the extent that there's no</p> <p>17 legality of the automatic deduction, and he</p> <p>18 would testify that, you know, the policies</p> <p>19 and practices have been reviewed. You know,</p> <p>20 the relevant time is his review of these</p> <p>21 policies in 2008. So I don't think we have</p> <p>22 to historically go back and say what decision</p> <p>23 was made 20 years ago. Certainly, it's well</p> <p>24 outside the statutory limitation period, and</p> <p>25 he has testified that he has reviewed these</p>
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<p>1 it.</p> <p>2 Q And this policy of automatically deducting 30</p> <p>3 minutes for each six-hour shift, you said?</p> <p>4 A Anything over six hours, yes.</p> <p>5 Q How long has that policy been in effect?</p> <p>6 A To my knowledge, longer than I've been there, in</p> <p>7 the eight and half years that I've been there. I</p> <p>8 don't know the exact time it was put into place.</p> <p>9 Q If I wanted to figure out how long that policy was</p> <p>10 in effect, what would I do?</p> <p>11 A I believe we would have to -- payroll might have</p> <p>12 records as to when it was put into place because</p> <p>13 it's a Kronos programming method that they use to</p> <p>14 do that. So there may be records in payroll that</p> <p>15 would state when that was in place, or Rita Klopff</p> <p>16 in payroll might know the exact date it was put</p> <p>17 in.</p> <p>18 Q I've asked her. She doesn't know.</p> <p>19 MR. SCULLEN: There's a point</p> <p>20 which -- you've got some broad leeway, but</p> <p>21 you know from her testimony, it has been in</p> <p>22 play since 1996. I hate to object to</p> <p>23 relevance. At some point, it gets a little</p> <p>24 bit far afield.</p> <p>25 MR. PARSONS: I don't think it's</p>	<p>1 policies and practices as recently as 2008.</p> <p>2 MR. PARSONS: I think that's fair</p> <p>3 as long as we can get an understanding as to</p> <p>4 what was reviewed in 2008. We'll find out.</p> <p>5 Q I'm assuming then in terms of who would have been</p> <p>6 involved in making -- in forming Aurora's policy</p> <p>7 to automatically deduct a half-hour from its</p> <p>8 employees for working more than six hours, you do</p> <p>9 not know who was involved in that decision?</p> <p>10 A I do not know. A policy change of that nature</p> <p>11 would require significant involvement. It would</p> <p>12 have to be communicated to each employee.</p> <p>13 Q For all we know, the policies never change, it</p> <p>14 might have been Aurora's policy since the start of</p> <p>15 the company, which was automatically --</p> <p>16 A Yeah, which I believe it was '85. It could have</p> <p>17 been there all along.</p> <p>18 MR. SCULLEN: In my recollection,</p> <p>19 in Rita's deposition testimony, I thought she</p> <p>20 testified that that was the case, that when</p> <p>21 there was the initial merger, that that was</p> <p>22 in place.</p> <p>23 MR. ZOELLER: I think there was a</p> <p>24 suggestion made that there may have been. I</p> <p>25 don't think she was confidently able to</p>

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<p>1 testify that that might have been the case.</p> <p>2 MR. PARSONS: My recollection was</p> <p>3 there may have been a change when the Kronos</p> <p>4 system was put in place around '93, but</p> <p>5 again, she didn't know for sure.</p> <p>6 Q In terms of the meal break policy that we just</p> <p>7 talked about, who at Aurora has the authority to</p> <p>8 change that policy?</p> <p>9 A I would say, you know, my department can suggest</p> <p>10 changes. Once they're approved, I would say at</p> <p>11 that point it would be whoever is the head of HR</p> <p>12 for the organization.</p> <p>13 Q And currently, who is that?</p> <p>14 A Dwight Morgan.</p> <p>15 Q And is there a formal process by which changes to</p> <p>16 the meal break policy would take place?</p> <p>17 A Yes.</p> <p>18 Q Can you describe that process?</p> <p>19 A Well, if there was a need to make a change to the</p> <p>20 policy, again, my department would review it. We</p> <p>21 would make the edits, get receiving input from the</p> <p>22 departments that it affects, which would be HR and</p> <p>23 payroll. Once we have agreement that it says what</p> <p>24 we want it to say, we have legal confirmation that</p> <p>25 it is within the bounds of the law, we would send</p>	<p>1 then get reviewed by -- well, we would draft it</p> <p>2 from the technical aspect as it relates to</p> <p>3 compensation, and then that content would be</p> <p>4 reviewed against lots of resources that we have</p> <p>5 available to us. Legal counsel would probably</p> <p>6 review it as well, depending on which policy it</p> <p>7 is. That's when it goes -- there's a form</p> <p>8 attached to the policy, it gets filled out, and</p> <p>9 then it's sent up for final approval to actually</p> <p>10 get put into the official policy manual.</p> <p>11 Q And when you talk about a form, there's a form</p> <p>12 that's three pages into this exhibit that says</p> <p>13 policy data form?</p> <p>14 A Yes, that's correct.</p> <p>15 Q And that's a two-page document; is that right?</p> <p>16 A Yes.</p> <p>17 Q And this is the form you were talking about</p> <p>18 earlier as well where you'd indicate what the</p> <p>19 change is?</p> <p>20 A Yes. And it could be a new policy as well. I</p> <p>21 mean, sometimes it's revisions to current ones,</p> <p>22 but it could be a new policy, it doesn't exist</p> <p>23 today, that would go through the same process.</p> <p>24 Q Got it. Thank you. Those are all the questions I</p> <p>25 have on Exhibit 28 then. When we were taking the</p>
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<p>1 that up for approval through Dwight's office.</p> <p>2 There's a formal process that's a form that's</p> <p>3 basically you describe what you're changing and</p> <p>4 why that goes with that.</p> <p>5 Q What's the name of that form?</p> <p>6 A It's in a policy called policy on policies.</p> <p>7 (Discussion off the record)</p> <p>8 (Exhibit No. 28 marked for</p> <p>9 identification)</p> <p>10 Q Mr. Rountree, I'm showing you what has been marked</p> <p>11 as Exhibit 28 for today's deposition. This is a</p> <p>12 document that says Policy on Policies, which is</p> <p>13 policy number 112; do you see that?</p> <p>14 A Yes.</p> <p>15 Q Was this the document you were just referring to</p> <p>16 in discussing the process by which Aurora can</p> <p>17 modify its policies?</p> <p>18 A Yes.</p> <p>19 Q And can you walk me through the process as it's</p> <p>20 laid out in this policy?</p> <p>21 A The policy on policies refers to every policy that</p> <p>22 Aurora has, but it's related to how I would use</p> <p>23 it. Again, the functional area is the owner of</p> <p>24 the policy, the functional area such as work week</p> <p>25 and meal periods would be compensation. It would</p>	<p>1 first part of this deposition, Ms. Faucett was</p> <p>2 testifying as to a number of policies that Aurora</p> <p>3 has that relate to the meal break policy, and what</p> <p>4 I'd like to do is just sort of understand the</p> <p>5 significance and maybe the sort of priority order</p> <p>6 of these policies. I'm going to show you what has</p> <p>7 been marked previously as Exhibit 10. Do you know</p> <p>8 what this document is?</p> <p>9 A The table of contents to our system policy manual.</p> <p>10 Q And the system policy manual is what?</p> <p>11 A It's the overriding policies that the different</p> <p>12 organizations within Aurora, and thus, their</p> <p>13 departments, would function, the policies that</p> <p>14 they would follow.</p> <p>15 Q These are policies that apply to Aurora on a</p> <p>16 system-wide basis?</p> <p>17 A Correct, across all entities of Aurora.</p> <p>18 Q And all other Aurora policies and procedures,</p> <p>19 whatever is in place, has to comply with the</p> <p>20 policies that are contained in here; is that a</p> <p>21 fair way to say it?</p> <p>22 A Yes, they should follow those policies.</p> <p>23 Q And then I'm going to show you what was previously</p> <p>24 marked as Exhibits 8, 9, and 13 from this</p> <p>25 deposition. Do you know what these documents are?</p>

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<p>1 A Yes.</p> <p>2 Q Can you tell me about them?</p> <p>3 A One document is the work week meal and rest period</p> <p>4 policy. One is the payroll policy, and one is the</p> <p>5 nonexempt and exempt employee policy.</p> <p>6 Q As I understand things from your testimony and</p> <p>7 Ms. Faucett's testimony previously, these are the</p> <p>8 only policies in the Aurora system policy manual</p> <p>9 that have to do with Aurora's meal and break</p> <p>10 policy; is that fair?</p> <p>11 A Yes, that would be correct.</p> <p>12 Q The main policy, I'm assuming. Dealing with this</p> <p>13 is policy number 34, which is Exhibit 16, the work</p> <p>14 week meal and rest periods policy; is that fair?</p> <p>15 A Yes.</p> <p>16 Q And in looking at that, I'm looking at Section 2,</p> <p>17 meal periods, and that has six sections, A, B, C,</p> <p>18 D, E, and F; do you see that?</p> <p>19 A Yes.</p> <p>20 Q And these six sections of the meal period policy</p> <p>21 apply to all Aurora employees; is that right?</p> <p>22 A That is correct.</p> <p>23 Q And looking specifically at policy or Section D of</p> <p>24 that policy, which talks about instances where an</p> <p>25 employee does not have an uninterrupted 30-minute</p>	<p>1 there's a section, which is Section 3F5, which is</p> <p>2 entitled meal periods must be at least 30 minutes</p> <p>3 in length, and this section here, Section 5, A, B,</p> <p>4 C, D, and E, is this the only portion of the</p> <p>5 nonexempt and exempt employee policy that deals</p> <p>6 with meal breaks?</p> <p>7 A Yes. There is a small section, it just refers to</p> <p>8 it in number 6 below as well.</p> <p>9 Q Anything else other than Section 3F5 and 6 in this</p> <p>10 policy that deals with meal breaks?</p> <p>11 MR. SCULLEN: Why don't you take</p> <p>12 the time to go through it unless you know.</p> <p>13 A Section G8 also refers to it, and Section H3. I</p> <p>14 believe that is it.</p> <p>15 Q Then turning your attention to Exhibit No. 9,</p> <p>16 which is the payroll policy, can you tell me what</p> <p>17 portions of that policy deal with meal breaks?</p> <p>18 A They refer to it under the purpose, under A, just</p> <p>19 by policy number and name. They're just saying</p> <p>20 this policy refers to other policies. It's also</p> <p>21 under B2, it talks about the work week section,</p> <p>22 and then under --</p> <p>23 Q And when you say -- it's actually not B2; it's</p> <p>24 just Section 2.</p> <p>25 A Section 2, correct, and under Section 9, it refers</p>
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<p>1 meal period, that says that this is supposed to be</p> <p>2 considered working time, and it must be</p> <p>3 specifically authorized by a responsible manager</p> <p>4 and supervisor, and once that approval is granted,</p> <p>5 the employee must cancel the meal through the</p> <p>6 automatic time and attendance system at the end of</p> <p>7 their shift; did I summarize that correctly?</p> <p>8 A That's correct.</p> <p>9 Q And that's the policy for all Aurora employees?</p> <p>10 A Correct.</p> <p>11 Q And in terms of the -- I'm looking now at Exhibit</p> <p>12 No. 8, which is the nonexempt and exempt employee</p> <p>13 policy.</p> <p>14 A Okay.</p> <p>15 Q Again, same thing, this policy applies to all</p> <p>16 Aurora employees across the board?</p> <p>17 A Yes.</p> <p>18 Q And Aurora classifies its security officers across</p> <p>19 the board as nonexempt employees, correct?</p> <p>20 A Correct.</p> <p>21 Q And so anytime that a security officer works more</p> <p>22 than 40 hours in a week, that time would be paid</p> <p>23 at time and a half?</p> <p>24 A Correct.</p> <p>25 Q On the nonexempt and exempt employee policy,</p>	<p>1 to meal periods as well.</p> <p>2 Q And all of these policies that we were just</p> <p>3 talking about, the work week policy, the nonexempt</p> <p>4 and exempt employee policy and the payroll policy,</p> <p>5 all of these policies can be read together to</p> <p>6 describe Aurora's meal break policy, which you</p> <p>7 described earlier; is that fair?</p> <p>8 A That's correct. The payroll policy will have less</p> <p>9 detail than the other two.</p> <p>10 Q We'll talk about those a little bit more in</p> <p>11 detail, but for now I'd like to show you what was</p> <p>12 marked previously as Exhibit 6 to this deposition.</p> <p>13 Do you know what this document is?</p> <p>14 A That's the employee handbook.</p> <p>15 Q Again, similarly to the policies that we just</p> <p>16 talked about, this employee handbook applies to</p> <p>17 all Aurora employees; is that right?</p> <p>18 A Yes.</p> <p>19 Q And there's sections in the employee handbook, I'm</p> <p>20 sure, which discuss the meal break policy?</p> <p>21 A Correct.</p> <p>22 Q And those sections would be in compliance with the</p> <p>23 Aurora system policies?</p> <p>24 A Yes, they would.</p> <p>25 Q The document that I'm showing you or that I've</p>

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<p>1 shown you as Exhibit 6 has a date on the front</p> <p>2 cover of June 29th, 2009. Do you know what that</p> <p>3 date means?</p> <p>4 A I believe it's the date that it was last updated.</p> <p>5 Q And so is it safe to assume that this is the</p> <p>6 current Aurora employee handbook?</p> <p>7 A Yes, to my knowledge, it is.</p> <p>8 Q Prior to the June 29th, 2009 update, do you know</p> <p>9 when it was updated prior to that?</p> <p>10 A No, I do not.</p> <p>11 Q Was it updated during your employment with Aurora?</p> <p>12 A I believe it has been updated. I don't know the</p> <p>13 exact date that it would have been.</p> <p>14 Q Do you know if the meal break language contained</p> <p>15 in the employee handbook was updated during your</p> <p>16 employment with Aurora?</p> <p>17 A Not that I'm aware of.</p> <p>18 Q We were just talking about how the automatic</p> <p>19 half-hour deduction policy for meal breaks applies</p> <p>20 to all Aurora nonexempt employees. Do you know</p> <p>21 approximately how many nonexempt employees Aurora</p> <p>22 currently employs?</p> <p>23 A Roughly, I would say 18 to 20,000. I don't know</p> <p>24 the exact number.</p> <p>25 Q And in terms of how many of those are security</p>	<p>1 A I don't know if there is a retention period for</p> <p>2 them. Policy on policies has a retention period</p> <p>3 in it. I just don't know how far back they keep</p> <p>4 those.</p> <p>5 Q If you looked at the policy on policies, would</p> <p>6 that help you, which is Exhibit 28?</p> <p>7 A Yes. On 2A, it refers to the administrative</p> <p>8 department should be retained for a minimum of</p> <p>9 five years. It's possible that after five years</p> <p>10 that some of these may be gone.</p> <p>11 Q Who would be the person at Aurora who would best</p> <p>12 know how to find the historical versions of the</p> <p>13 policies that we've just been talking about?</p> <p>14 A I would -- probably the administrative assistant</p> <p>15 for our head of HR.</p> <p>16 Q So that would be Dwight Morgan's administrative</p> <p>17 assistant?</p> <p>18 A No, because he's the interim. It would be the</p> <p>19 open position's administrative assistant.</p> <p>20 Q Do you know who that person is?</p> <p>21 A It used to be Andrea Williams. She has a new</p> <p>22 name, Andrea Voleride, I believe. Don't ask me</p> <p>23 how to spell it.</p> <p>24 Q Do you know how long she has been in that</p> <p>25 position?</p>
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<p>1 officers, is somewhere between 200 and 250 a fair</p> <p>2 approximation?</p> <p>3 A Yes, I would have said around 200.</p> <p>4 Q I'm going to jump back and have you look at</p> <p>5 Exhibit No. 13 again, which is the work week meal</p> <p>6 and rest period policy. Up at the top in the</p> <p>7 left-hand corner, under policy number 34, it says</p> <p>8 effective 1/85, do you know what that means?</p> <p>9 A That means the date that it was first put into</p> <p>10 place.</p> <p>11 Q And historically, is that the inception of Aurora</p> <p>12 as a company, that date?</p> <p>13 A I don't know for sure. I believe it's close.</p> <p>14 Q And then below that, it says revisions, 6/95, 5/04</p> <p>15 and 9/04; what do those dates mean?</p> <p>16 A Those are dates that something in the policy was</p> <p>17 updated. It could simply be a sentence being</p> <p>18 reworded to a misspelling. It could be for any</p> <p>19 reason.</p> <p>20 Q Does Aurora keep historical versions of its</p> <p>21 policies?</p> <p>22 A Yes, I believe so.</p> <p>23 Q So if I wanted to see the version prior to 9 of</p> <p>24 '04 of the work and meal rest period policy, it</p> <p>25 would be possible to see that?</p>	<p>1 A She was Dwight's assistant when I came to Aurora.</p> <p>2 Sometime between when I started and now, she moved</p> <p>3 over to be the assistant for the VP, the senior VP</p> <p>4 of HR when that assistant retired.</p> <p>5 Q At a minimum, the historical versions of these</p> <p>6 documents are kept for five years. They might be</p> <p>7 kept longer, and who is the person in charge of</p> <p>8 keeping the historical versions?</p> <p>9 A To my knowledge, it would be, the current position</p> <p>10 would be Andrea Voleride.</p> <p>11 Q And she would do that at the request of the head</p> <p>12 of HR?</p> <p>13 A Correct.</p> <p>14 Q Then the same question regarding Exhibit 6. I'm</p> <p>15 sorry, Exhibit 6 is the handbook. Does Aurora</p> <p>16 have a policy in terms of how long they keep</p> <p>17 historical versions of handbooks?</p> <p>18 A I'm not aware of one.</p> <p>19 Q And that's not covered by the policy on policies?</p> <p>20 A I'm not sure if it applies to that or not.</p> <p>21 Q In terms of making a change to the employee</p> <p>22 handbook, as it relates only to the meal and rest</p> <p>23 break policy, the portion of the handbook that</p> <p>24 discusses that policy, who are the people who have</p> <p>25 the authority to do that?</p>

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<p>1 A Well, the handbook should follow what the 2 published policies are. So if there was a change 3 to the meal and work week policy, we would need to 4 also update the handbook to match that. 5 Q And who would do that? 6 A Once it was approved, we would talk to who the 7 person managing the handbook, which I believe 8 right now is Shannon Christenson, and we would 9 work with her to get that a update made. 10 (Exhibit No. 29 marked for 11 identification) 12 Q Mr. Rountree, I've shown you what has been marked 13 today as Exhibit 29. Do you know what this 14 document is? 15 A No, I don't. 16 Q What it appears to me to be is a set of Aurora 17 policies that apply to its corporate loss 18 prevention services. I've got policy 1, and then 19 if you thumb through this, the last policy that I 20 see is, I think, policy 29, which is like three 21 pages from the end; do you see that? 22 A Yes. 23 Q You don't know anything about this document? 24 A No. 25 Q For Aurora, in terms of providing additional</p>	<p>1 identification) 2 Q Mr. Rountree, I'm showing you what has been marked 3 as Exhibit 30. Do you know what this document is? 4 A No, I do not. 5 (Discussion off the record) 6 Q I've shown you what has been marked as Exhibit 30, 7 which is a document that's titled Aurora Health 8 Care Loss Prevention Services, Meal and Rest 9 Periods. You have not seen this document? 10 A No, I have not. 11 Q This document, which appears to provide a meal and 12 rest period policy for Aurora's loss prevention 13 officers, this policy would have to be in 14 compliance with Aurora's system-wide policies; is 15 that right? 16 A That is correct. 17 Q Who's responsible for making sure that that would 18 be, in fact, in compliance with Aurora's 19 system-wide policies? 20 A If the leadership of the department are going to 21 write policies which have more detail in them as 22 to how they operationalize the policy. That would 23 be their responsibility for ensuring it's in 24 compliance. 25 Q That was one of my questions. This policy is more</p>
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<p>1 policies to its loss prevention services folks, 2 who would be responsible for that? 3 A I believe it would be the head of loss prevention. 4 Q And that's Mr. Cummings? 5 A Correct, Mike Cummings. 6 Q Would Mr. Cummings, to your knowledge, draft these 7 policies? 8 A I don't know for sure. 9 (Discussion off the record) 10 Q Mr. Rountree, having a chance to take a little bit 11 of a closer look at the document, did it become 12 more familiar to you in any way? 13 A No. 14 Q Is there a person or department at Aurora in its 15 human resources department that's responsible for 16 providing policies like this to the loss 17 prevention department? 18 A Not that I'm aware of, no. 19 Q I'm not sure if there is, but if there was 20 language in this document that had to do with the 21 meal break policy, it would have to be in 22 compliance with the policies and the system 23 policies; is that right? 24 A Yes, that would be correct. 25 (Exhibit No. 30 marked for</p>	<p>1 of a -- certain departments are allowed in Aurora 2 to describe in more detail how they're going to 3 follow Aurora's system-wide policies? 4 A Correct, how they're going to make it work for 5 their department. 6 Q So it's called -- I guess it's not called 7 anything. This might be considered a procedure in 8 terms of how you're going to do something? 9 A Yes. 10 Q And Aurora allows various departments to do that, 11 but then also various facilities to have 12 facility-specific rules, procedures to be in 13 compliance with overall policies? 14 A Yes. 15 (Recess taken) 16 (Exhibit Nos. 31 through 33 marked for 17 identification) 18 Q Mr. Rountree, I've put in front of you what now 19 has been marked as Exhibits 31, 32, and 33 for 20 today's deposition. Have you seen any of these 21 documents? 22 A I have seen them for the first time Friday. I 23 have not seen them in detail before that. 24 Q I'm assuming that when you say you saw them 25 Friday, that it was as part of your preparations</p>

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<p>1 for this deposition?</p> <p>2 A Correct.</p> <p>3 Q And I don't want to know anything about your</p> <p>4 conversations with your attorney as part of that</p> <p>5 preparation, but you had not seen them prior to</p> <p>6 Friday?</p> <p>7 A Correct.</p> <p>8 Q Do you know what they are, having had a chance to</p> <p>9 take a look at them now or on Friday?</p> <p>10 A They are the operational procedures of each of the</p> <p>11 security departments, how they handle meal and</p> <p>12 rest periods within their facility.</p> <p>13 Q So big picture, Exhibit 30, do you know what that</p> <p>14 document is as it compares to Exhibits 31, 32, and</p> <p>15 33?</p> <p>16 A It appears to be the overall -- well, it's the</p> <p>17 same type of policy. I don't know exactly if this</p> <p>18 is the broader policy of the loss prevention</p> <p>19 department, or if it's just another facility's.</p> <p>20 Q And did you see this document on Friday?</p> <p>21 A Yes.</p> <p>22 Q Had you seen it prior to then?</p> <p>23 A No, I had not.</p> <p>24 Q We are done with all of those.</p> <p>25 (Exhibit No. 34 marked for</p>	<p>1 that. Because I do recall changing the employee</p> <p>2 handbook in various places as it pertains to our</p> <p>3 area.</p> <p>4 Q But you're not sure if this language had been</p> <p>5 changed?</p> <p>6 A No, I'm not positive.</p> <p>7 Q If it had been changed, you would have been the</p> <p>8 person who would have done the revision?</p> <p>9 A Correct.</p> <p>10 (Exhibit No. 35 marked for</p> <p>11 identification)</p> <p>12 Q Showing you what has been marked as Exhibit 35, do</p> <p>13 you know what this is?</p> <p>14 A No, I don't.</p> <p>15 Q Have you ever seen the document before?</p> <p>16 A I may have seen it Friday in the papers that I was</p> <p>17 looking through, but not before that.</p> <p>18 (Exhibit No. 36 marked for</p> <p>19 identification)</p> <p>20 Q Showing you what has been marked as Exhibit 36, do</p> <p>21 you know what this document is?</p> <p>22 A This is an article that was put out through our</p> <p>23 management bulletin to leaders.</p> <p>24 Q When was the first time that you saw this</p> <p>25 document?</p>
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<p>1 identification)</p> <p>2 Q Showing you what has been marked as Exhibit 34,</p> <p>3 have you seen this document before?</p> <p>4 A Yes.</p> <p>5 Q What is it?</p> <p>6 A Well, it is the page out of the employee handbook</p> <p>7 that refers to rest and meal periods and pay and</p> <p>8 hours.</p> <p>9 Q So 34 is a part of the employee handbook, which is</p> <p>10 Exhibit 6?</p> <p>11 A Correct.</p> <p>12 Q Do you know who drafted this language?</p> <p>13 A In the last revision, I reviewed it myself. So I</p> <p>14 probably reworded it potentially, but I would have</p> <p>15 to go back and look and see.</p> <p>16 Q And when you did the revision, this is the</p> <p>17 revision that occurred in 2009?</p> <p>18 A Correct.</p> <p>19 Q And when that revision was done in your work on</p> <p>20 this, you were rewording this for what purpose?</p> <p>21 A Well, if it was. I would actually have to go back</p> <p>22 and see if we actually did and change it. If we</p> <p>23 did, we would have reworded it. The regulation</p> <p>24 hasn't changed or the requirements. We may have</p> <p>25 just changed the wording. I would need to check</p>	<p>1 A I recall it coming to in February through the</p> <p>2 management bulletin.</p> <p>3 Q The management bulletin, can you explain to me how</p> <p>4 you receive that information?</p> <p>5 A The management bulletin is like an electronic</p> <p>6 newsletter that topics are compiled and sent to</p> <p>7 our communications department. They publish it</p> <p>8 online basically, and then there is an e-mail that</p> <p>9 gets sent out that says here is the management</p> <p>10 bulletin, and when you click into it, you're</p> <p>11 actually going into our kind of a web page of all</p> <p>12 these different articles that you can read.</p> <p>13 Q And this particular article, is it your</p> <p>14 understanding that it was someone at Aurora that</p> <p>15 drafted this?</p> <p>16 A Yes.</p> <p>17 Q Do you have any idea of who that would have been?</p> <p>18 A I don't know.</p> <p>19 Q Do you know who received this other than you?</p> <p>20 A Every person who is considered a manager and above</p> <p>21 would get the management bulletin, which is</p> <p>22 roughly 900 people.</p> <p>23 Q And then I'm assuming there's probably a lot of</p> <p>24 management bulletins that go out?</p> <p>25 A I believe they go out twice a month every other</p>

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<p>1 Friday, I believe. Maybe once a month, but I</p> <p>2 believe it's twice a month. They recently changed</p> <p>3 some of the ways they do things.</p> <p>4 Q Do you recall why you received this particular</p> <p>5 bulletin, or do you know why Aurora issued this</p> <p>6 particular bulletin?</p> <p>7 A No. We do issue these type of bulletins from time</p> <p>8 to time just to remind leaders that they need to</p> <p>9 be aware of this. There has been several that</p> <p>10 have come out recently on other topics, just as a</p> <p>11 reminder to watch what we're doing and make sure</p> <p>12 we're not doing things we shouldn't be.</p> <p>13 Q And this particular bulletin has to do with</p> <p>14 interrupted meal breaks; is that right?</p> <p>15 A Yes.</p> <p>16 Q And what action, if any, did you take when you</p> <p>17 received this bulletin?</p> <p>18 A In this case, none because it's just stating what</p> <p>19 our policies already state.</p> <p>20 Q And so you saw this more as a reminder to managers</p> <p>21 sort of on the ground floor to make sure that they</p> <p>22 were complying with what the policy is already</p> <p>23 stating?</p> <p>24 A Correct.</p> <p>25 Q Would Mike Cummings have received this?</p>	<p>1 A That's correct.</p> <p>2 (Exhibit No. 37 marked for</p> <p>3 identification)</p> <p>4 Q Showing you what has been marked as Exhibit 37,</p> <p>5 have you seen this document before?</p> <p>6 A No, I have not.</p> <p>7 Q Even on Friday?</p> <p>8 A No, I have not.</p> <p>9 Q It appears to be a memo from Dave Wood to all</p> <p>10 south region security officers having to do with</p> <p>11 guidelines for lunch breaks. When memos like this</p> <p>12 are issued, does Aurora have a policy in terms of</p> <p>13 somebody from HR reviewing it to make sure it's in</p> <p>14 compliance with the particular law or rules or</p> <p>15 regulations that it applies to?</p> <p>16 A I'm not aware of any policy around.</p> <p>17 Q So is it possible that Dave Wood could have just</p> <p>18 issued this memo on his own without anyone</p> <p>19 reviewing it?</p> <p>20 A It's possible. I do note that Mike was copied on</p> <p>21 it, so I would assume that he reviewed it ahead of</p> <p>22 time with Dave.</p> <p>23 Q But you don't know for sure?</p> <p>24 A I don't know for sure.</p> <p>25 Q What's Aurora's system-wide policy to make sure</p>
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<p>1 A Through the management bulletin, yes.</p> <p>2 Q Because he's management or above?</p> <p>3 A Correct.</p> <p>4 Q Did Mike Cummings ever talk to you about this?</p> <p>5 A No.</p> <p>6 Q Did anyone at Aurora ever talk to you about this</p> <p>7 particular bulletin?</p> <p>8 A No. You know, it is possible, and I don't know</p> <p>9 the specifics, but sometimes these do come to me</p> <p>10 for feedback before they go out. I don't recall</p> <p>11 this one, but it is possible.</p> <p>12 Q If that were the case, how is that usually -- is</p> <p>13 that sent to you as sort of a draft in an e-mail</p> <p>14 or something like that?</p> <p>15 A Yes.</p> <p>16 Q So if we look back at your e-mails around January</p> <p>17 or February of this year, if there was anything in</p> <p>18 there on this bulletin, it would be probably</p> <p>19 somewhere around then?</p> <p>20 A Somewhere in that area, obviously before, in the</p> <p>21 weeks leading up to the 19th.</p> <p>22 Q We would hope so. When this bulletin went out,</p> <p>23 you didn't take any action to ensure that Aurora's</p> <p>24 departments were complying with the policies; is</p> <p>25 that right?</p>	<p>1 that its particular departments are in compliance</p> <p>2 with wage and hour laws?</p> <p>3 A There are, in addition to the policy manuals, the</p> <p>4 policies being online for the managers and</p> <p>5 directors and whoever to have access to. In</p> <p>6 addition to that, there are guidelines -- I</p> <p>7 wouldn't say guidelines. There had been training</p> <p>8 sessions, and I believe they were called brown bag</p> <p>9 lunches, and they talked specifically about some</p> <p>10 of these subjects where managers could attend</p> <p>11 those and learn more about that. Also, the</p> <p>12 managers in HR encouraged to ask -- like in Dave's</p> <p>13 case, he would ask his HR person, is this in</p> <p>14 compliance, if he had questions, or they would</p> <p>15 come to the compensation department for</p> <p>16 interpretation.</p> <p>17 Q What do you mean by Dave's HR person?</p> <p>18 A Dave Wood, I don't know exactly where he -- each</p> <p>19 manager has someone in human resources responsible</p> <p>20 to support them. In Dave's case, since it's</p> <p>21 saying south region security officers, I'm</p> <p>22 assuming that he is in the south, and then</p> <p>23 Gene Krauklis and his HR leadership and staff</p> <p>24 would be responsible for supporting them. So if</p> <p>25 Dave had questions relating to that, he would go</p>

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<p>1 to Gene or one of the HR directors for 2 clarification. 3 Q And ultimately, I think you testified your 4 department is responsible for compliance -- that 5 Aurora is in compliance with wage and hour laws as 6 it relates to meal breaks; is that right? 7 A Correct. 8 (Question read) 9 Q Let me ask that the way that I meant to ask that, 10 which was your department is the department at 11 Aurora that's responsible for wage and hour law 12 compliance; is that correct? 13 A We are responsible to set the policy that the 14 leadership is to follow. 15 Q When I say compliance, do you know what I mean? 16 A No, if you could clarify. 17 Q When I say compliance, I understand that there is 18 a policy. I'm asking who is responsible at Aurora 19 for making sure that that policy is being 20 followed? 21 A Specifically referring to the meal break policy? 22 Q Meal break policy. 23 A I believe it would have to rely on the payroll 24 department from a day-to-day review of the records 25 of the employees. My department would not see</p>	<p>1 what steps Aurora takes to make sure that it's 2 meal break policies is in compliance with federal 3 and state wage and hour laws. As I understand 4 your testimony, it is your department that is 5 charged with that task; is that right? 6 A Yes. 7 Q What person in your department is ultimately 8 responsible for that task? 9 A That would be me. 10 Q As the head of the department? 11 A Correct. 12 Q And other people in the department also work on 13 that issue? 14 A Correct. 15 Q Why don't you tell me everything that your 16 department does in order to make sure that it's 17 meal break policy is in compliance with state and 18 federal laws? 19 A We review the state and federal laws. We ensure 20 that our policies that we publish out to the 21 leadership are in compliance with both the federal 22 and state regulations. We provide communication 23 when the policy changes or when a new policy goes 24 into place to the leadership on those policies and 25 what they should be doing with it. We answer</p>
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<p>1 actual clock-in, clock-outs of employees, whether 2 they got their lunch or didn't. The manager 3 ultimately of the department is the only one that 4 would know that. 5 Q And who is responsible for making sure that the 6 manager is following the rules? 7 A It would be their leader. 8 Q And where does the buck stop? 9 A I would assume it would be stop with our CEO. I 10 mean, obviously, he's not going to get in the 11 day-to-day details of people clocking in or 12 clocking out. 13 Q What is the highest-ranking person that Aurora has 14 specifically tasked with making sure that it's 15 meal break policy is being complied with? 16 A I don't know specifically if we've tasked anyone 17 at that level that I'm aware of. 18 Q Is there anyone that would know better than you on 19 that issue? 20 A I don't believe so. I mean, other than the head 21 of HR. 22 Q And that person is, again? 23 A On an interim basis, would be Dwight. 24 (Discussion off the record) 25 Q Let's talk about Aurora's compliance program or</p>	<p>1 questions if the HR or the managers have questions 2 regarding specific employee situations. We answer 3 those questions for them and give them advice on 4 what they should or shouldn't be doing in relation 5 to that. It's also managed electronically through 6 our time and attendance system where the employee 7 has the ability if they were interrupted during a 8 meal, that they can go to the clock and push a 9 couple of function keys and cancel that meal and 10 be paid for the 30 minutes that was automatically 11 deducted, or they can tell their supervisor and it 12 can be done that way, either through the 13 supervisor or a time editor. 14 Q You mentioned a lot of things that you do. One 15 thing you said is you review the law. Tell me 16 about that. 17 A We, we being the department, the compensation 18 department members, have access to libraries of 19 legal information. Some of the stuff we brought 20 today were things that we printed off of the 21 various websites. Some were courses, some of them 22 were books that were in compliance with wage and 23 hour regulations. We spend a lot of time 24 researching if there are changes that occur as to 25 what we need to do to make sure that we are in</p>

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<p>1 compliance with those changes. That could be --</p> <p>2 whether it could be the associations we belong to</p> <p>3 that have the databases of information that we</p> <p>4 use. It could be our HR consulting firms we use</p> <p>5 for various projects. They allow us to have</p> <p>6 access to their database as well. We often use</p> <p>7 the Department of Labor and the Department of</p> <p>8 Workforce Development websites as well. The</p> <p>9 opinion letter that the Department of Labor, we</p> <p>10 monitor those to see if there's anything relevant</p> <p>11 to what we do in compensation.</p> <p>12 Q As it relates to Aurora's meal break policy, what</p> <p>13 specific laws has Aurora reviewed in the last --</p> <p>14 well, since your taking over the position of</p> <p>15 director of compensation?</p> <p>16 A Specifically, we looked at both the federal and</p> <p>17 state regulations around the Fair Labor Standards</p> <p>18 Act, and I don't recall the exact quote for the</p> <p>19 state law. But we reviewed those when there were</p> <p>20 changes to the act in 2004 at the federal level,</p> <p>21 and we ended up creating a policy for exempt and</p> <p>22 nonexempt employees out of that change that</p> <p>23 occurred at the federal level.</p> <p>24 Q And other than 2004, have you reviewed the federal</p> <p>25 and state law at any other time with regard to the</p>	<p>1 various sources around the changes to the federal</p> <p>2 level law in '04, whether it came from Foley,</p> <p>3 Quarles, some came from the associations that we</p> <p>4 belong to, World at Work, SHRM, Society for Human</p> <p>5 Resource Management, and then the consulting firms</p> <p>6 that we deal with on a regular basis, Mercer,</p> <p>7 Hewitt, Towers -- would have been Towers Perrin</p> <p>8 then, but it's Towers Watson after they merged.</p> <p>9 From those organizations around what the changes</p> <p>10 were, and we used that information to ensure that</p> <p>11 the wage and hour policies that we had were in</p> <p>12 compliance.</p> <p>13 Q All of that that you just listed, all of those</p> <p>14 sources of information, how much of that had to do</p> <p>15 with meal break?</p> <p>16 A Very little because most of it had to do with</p> <p>17 exemption changes in the laws, other than the</p> <p>18 Department of Labor website itself and the</p> <p>19 workforce development had those pieces in it.</p> <p>20 Q So limiting your answer then just to the meal</p> <p>21 break policy, what information was reviewed in</p> <p>22 2004 specifically related to Aurora's meal break</p> <p>23 policy?</p> <p>24 A It would have been the Department of Labor</p> <p>25 website, the workforce development, and we also</p>
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<p>1 meal break policy?</p> <p>2 A Not unless there was something to initiate the</p> <p>3 review. In other words, we received a notice from</p> <p>4 the Department of Labor or from a -- we get a lot</p> <p>5 of information coming in from organizations that</p> <p>6 say these changes are out there. If there is a</p> <p>7 change, this is what you need to do. In this</p> <p>8 case, to my knowledge, there have been no changes</p> <p>9 to the meal or break periods at either the federal</p> <p>10 or state level.</p> <p>11 Q Was the meal and break period policy reviewed in</p> <p>12 2004?</p> <p>13 A Yes.</p> <p>14 Q Tell me about that review process.</p> <p>15 A When the federal law changed, which was mainly the</p> <p>16 exemption status changes that occurred in late</p> <p>17 '04, we looked at all of our wage and hour</p> <p>18 policies that existed just to make sure everything</p> <p>19 was still in line with the regulations.</p> <p>20 Q Tell me about that. What did you do to make sure</p> <p>21 it was in line?</p> <p>22 A Well, we went to both the Department of Labor and</p> <p>23 the workforce development websites to find out</p> <p>24 what they were saying about the law. There was a</p> <p>25 significant amount of information provided from</p>	<p>1 had update sessions with Foley and Quarles &amp; Brady</p> <p>2 around changes that included meal break periods</p> <p>3 within those.</p> <p>4 Q Related to the Department of Labor, what</p> <p>5 information did you find on their website</p> <p>6 regarding meal break policies?</p> <p>7 A Just their guidance around how meal periods should</p> <p>8 be handled. I mean, obviously, it's like most</p> <p>9 websites, it had each section broken out, and we</p> <p>10 went through those to make sure we were in</p> <p>11 compliance. As we created the nonexempt and</p> <p>12 exempt employee policy, we put pieces in there of</p> <p>13 things that we felt were important for the leaders</p> <p>14 to know, in addition to the exemption changes that</p> <p>15 were occurring in '04.</p> <p>16 Q And in 2004, after you had done the review of the</p> <p>17 Department of Labor, the information on the</p> <p>18 Department of Labor's website, did you feel that</p> <p>19 Aurora's policy needed to be changed in any way as</p> <p>20 it related to the meal break policy?</p> <p>21 A No, I did not.</p> <p>22 Q Same question then with the review you did at the</p> <p>23 Department of Workforce Development's website, was</p> <p>24 there any information that you learned on that</p> <p>25 website that made you think that Aurora's meal</p>

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<p>1 break policy needed to be changed in any way?</p> <p>2 A No.</p> <p>3 Q Can you describe for me the differences between</p> <p>4 your understanding of the federal meal break law</p> <p>5 and the State of Wisconsin's meal break law?</p> <p>6 A The main difference that I recall is the timing.</p> <p>7 The federal law really only requires 20 minutes,</p> <p>8 while the state law requires 30, a 30-minute</p> <p>9 uninterrupted break.</p> <p>10 Q Any other differences that you can --</p> <p>11 A Not that I can recall.</p> <p>12 Q Is there something that would help you recall your</p> <p>13 understanding?</p> <p>14 A No, not without re-looking at it again.</p> <p>15 Q So if you took another look at the materials from</p> <p>16 the websites, you might remember some more things?</p> <p>17 A Correct, yes.</p> <p>18 Q Other than the review that was done in 2004, since</p> <p>19 you've been in your position as the director of</p> <p>20 compensation, has Aurora reviewed it's meal break</p> <p>21 policy at all?</p> <p>22 A Not since that time frame, no.</p> <p>23 Q And you had mentioned some meetings with</p> <p>24 Foley &amp; Lardner and Quarles &amp; Brady as sources of</p> <p>25 information about the meal --</p>	<p>1 A No.</p> <p>2 Q You listed some other sources of information that</p> <p>3 you received around the 2004 time period. Did any</p> <p>4 of that information cause you to believe that</p> <p>5 Aurora needed to change its meal break policy?</p> <p>6 A No, it did not.</p> <p>7 Q And Aurora did not change its meal break policy in</p> <p>8 2004?</p> <p>9 A No, we did not.</p> <p>10 Q So Aurora's current meal break policy has been in</p> <p>11 place at least since 2002?</p> <p>12 A Correct.</p> <p>13 Q In terms of making sure that the policy is being</p> <p>14 complied with on a system-wide basis, can you tell</p> <p>15 me what Aurora does to do that?</p> <p>16 A We publish the policies, and we do things like the</p> <p>17 management bulletin update to remind managers of</p> <p>18 what they have to do with the meal and break</p> <p>19 policy, or any policy, for that matter. I believe</p> <p>20 I stated HR does internal training within their</p> <p>21 site on various topics. Some of it is regulation.</p> <p>22 Some of it may be other HR-related topics.</p> <p>23 Q Those are those brown bag lunches?</p> <p>24 A Yeah, I call them that. They may call them</p> <p>25 something different, but it's just internal</p>
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<p>1 A Like seminars. There are periodic, formal</p> <p>2 seminar-type briefings that they provided.</p> <p>3 Q This was not, you know, a personal -- strike all</p> <p>4 that. The information that was provided, was that</p> <p>5 provided in the context of legal advice that was</p> <p>6 being given specific to Aurora, or was this a</p> <p>7 seminar where other corporations or entities could</p> <p>8 attend?</p> <p>9 A It was a seminar with other entities attending.</p> <p>10 Q The materials or the information that you learned</p> <p>11 during those seminars, how much of that was</p> <p>12 devoted to the meal break period, meal break laws</p> <p>13 and regulations?</p> <p>14 A I don't know if I could determine how much. I</p> <p>15 mean, it was in line with all the other</p> <p>16 information that we were receiving from every</p> <p>17 source related to meal periods. It was just</p> <p>18 another resource that was used. It wasn't -- I</p> <p>19 don't know how much of it would have been</p> <p>20 percentage-wise versus the rest of what we found</p> <p>21 at the time.</p> <p>22 Q And the information that you received from these</p> <p>23 legal seminars, nothing from those seminars made</p> <p>24 you believe that Aurora needed to change its meal</p> <p>25 break policy?</p>	<p>1 training to their site, as well as the information</p> <p>2 we have available online to the managers.</p> <p>3 Q Other than providing information, either by</p> <p>4 publishing, issuing bulletins, doing training,</p> <p>5 what does Aurora do to make sure that the policy</p> <p>6 is, in fact, being followed?</p> <p>7 A I don't know any further than that.</p> <p>8 Q Does Aurora ever do any kind of an audit of its</p> <p>9 meal break policy to make sure that it is being</p> <p>10 followed?</p> <p>11 A I'm not aware of one that has been done.</p> <p>12 Q And your department doesn't review the procedures</p> <p>13 that we talked about earlier as Exhibits 30</p> <p>14 through 33?</p> <p>15 A No, we do not.</p> <p>16 Q And your department doesn't review memorandums</p> <p>17 that are issued by individuals in the loss</p> <p>18 prevention department with regards to meal breaks?</p> <p>19 A Not unless we're asked to review them. There have</p> <p>20 been many questions over the years around</p> <p>21 compliance with, you know, various wage and hour</p> <p>22 compliance that leaders do ask. If they don't</p> <p>23 understand it or don't know, they do come to us,</p> <p>24 or they go to their HR person who comes to us and</p> <p>25 asks for clarification.</p>

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<p>1 Q What questions do you recall being asked of you or</p> <p>2 your department regarding Aurora's meal break</p> <p>3 policy from managers?</p> <p>4 A There have been questions over the years from</p> <p>5 people who have had to carry a pager, let's say,</p> <p>6 over lunch, as to whether that was compensable or</p> <p>7 not.</p> <p>8 Q And who answered that question?</p> <p>9 A I believe I talked to the HR person about it.</p> <p>10 Q Do you recall who the HR person was that asked you</p> <p>11 that question?</p> <p>12 A It was someone out of our south market. I don't</p> <p>13 recall.</p> <p>14 Q In the loss prevention department?</p> <p>15 A No, it was the HR director down there.</p> <p>16 Q And this person was -- I'm assuming, an HR person</p> <p>17 didn't have to carry a pager?</p> <p>18 A No, no, no. They were asking about employees. A</p> <p>19 lot of this stuff probably came about when the</p> <p>20 change -- when we published the regulation -- not</p> <p>21 the regulation, the policy for -- original policy</p> <p>22 for nonexempt and exempt. People had a lot of</p> <p>23 questions around it and wanted clarification.</p> <p>24 Q So you specifically recall a question about an</p> <p>25 employee who had to carry a pager. What other</p>	<p>1 they want and do whatever they want within their</p> <p>2 unpaid lunch period. This was just in case it was</p> <p>3 an emergency or they needed them back right away.</p> <p>4 Most employees don't carry pagers at lunch.</p> <p>5 Q The employee that was carrying a pager in this</p> <p>6 instance, was it a security officer or another</p> <p>7 employee?</p> <p>8 A I don't recall. I don't even know if we got to</p> <p>9 that detail.</p> <p>10 Q Any other questions that you can recall being</p> <p>11 asked of you about Aurora's meal break policy?</p> <p>12 A No.</p> <p>13 Q So that's two questions; is that right?</p> <p>14 A Yes.</p> <p>15 Q There's a number of documents that you brought</p> <p>16 with you today for today's deposition. Are these</p> <p>17 all the documents in your possession that you are</p> <p>18 relying on in terms of making sure that Aurora's</p> <p>19 meal break policy is in compliance with the</p> <p>20 federal and state laws?</p> <p>21 A Everything in hardcopy.</p> <p>22 Q What isn't here today?</p> <p>23 A The Department of Labor website, the Department of</p> <p>24 Workforce Development website, the World at Work</p> <p>25 website and tools, the SHRM, or Society For Human</p>
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<p>1 questions do you recall?</p> <p>2 A We get questions around -- we've had people ask,</p> <p>3 when on I'm on-call, why do I not get my regular</p> <p>4 rate of pay versus a premium to carry a pager</p> <p>5 versus having to --</p> <p>6 MR. SCULLEN: Let me just strike as</p> <p>7 nonresponsive. I think his question was</p> <p>8 about meal break periods.</p> <p>9 Q And that was my question. I'm assuming that</p> <p>10 answer didn't have to do with somebody on a meal</p> <p>11 break?</p> <p>12 A No, not at all.</p> <p>13 Q What other questions do you recall being asked</p> <p>14 about employees on Aurora's meal break policies?</p> <p>15 A Just the extent if an employee returns to work</p> <p>16 less than 30 minutes, do we really have to pay</p> <p>17 them, and our answer has always been we absolutely</p> <p>18 have to pay them for that time.</p> <p>19 Q And you were talking about the employee who had to</p> <p>20 carry a pager; was that over a meal period?</p> <p>21 A I believe it was.</p> <p>22 Q And your answer to that question was what?</p> <p>23 A It was not compensable. We would consider it like</p> <p>24 our on-call employees. That is not compensable</p> <p>25 time because they are still free to go wherever</p>	<p>1 Resource Management, website and tools, Mercer</p> <p>2 website, Hewitt's website, Towers Watson's</p> <p>3 website. In the past, we don't currently</p> <p>4 subscribe to it because of budget cuts, but we</p> <p>5 have used the BNAs, compensation and benefits</p> <p>6 library. We did have it at the time, but not</p> <p>7 currently.</p> <p>8 Q What I'm going to do, just so the record is clear,</p> <p>9 is I'm going to read the titles of these into the</p> <p>10 record just so we don't lose track of these. I've</p> <p>11 got a binder that's titled Fair Labor Standards</p> <p>12 Act (FLSA), changes effective August of 2004.</p> <p>13 It's a white binder. I've got a book by</p> <p>14 R. Brian Dixon, titled the Federal Wage and Hour</p> <p>15 Laws. I've got another book titled FLSA</p> <p>16 Compliance and Overview for the HR Professional,</p> <p>17 and that looks like it's published by World at</p> <p>18 Work. I've got a Quarles &amp; Brady, looks like the</p> <p>19 outline to a seminar from August 23rd, 2004</p> <p>20 presented by Michael Aldana and Sean Scullen. Did</p> <p>21 you attend this seminar?</p> <p>22 A Yes.</p> <p>23 Q I've got another outline from Quarles &amp; Brady,</p> <p>24 March 18th, 2008, Wage/Hour Issues: Outside Traps</p> <p>25 and Inside Tips, presented by Michael Aldana and</p>

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<p>1 James Chelino. Did you attend that seminar?</p> <p>2 A Yes, I did.</p> <p>3 Q I've got a Foley &amp; Lardner seminar from May 9th</p> <p>4 through the 10th, 2002, called Employment Law</p> <p>5 Seminar for Johnson Controls, Human Resources.</p> <p>6 Did you attend that seminar?</p> <p>7 A Yes.</p> <p>8 Q And that was in your position at Johnson Controls?</p> <p>9 A Correct.</p> <p>10 Q I've got a black binder that says ACA on the</p> <p>11 front. Can you tell me what this is?</p> <p>12 A That's the actual module from the certification</p> <p>13 course.</p> <p>14 Q Certification for?</p> <p>15 A The certified compensation professional related to</p> <p>16 wage and hour regulations.</p> <p>17 Q And these materials, have you received these over</p> <p>18 a number of years, or are these historical</p> <p>19 documents?</p> <p>20 A That is historical. That was the actual module</p> <p>21 from the course itself at the time.</p> <p>22 Q When does this date from?</p> <p>23 A I don't know exactly when I took that one. I took</p> <p>24 them over a three-year period. There should be a</p> <p>25 date down at the bottom of the book, I believe.</p>	<p>1 Foley called Class Action Defense, Counseling</p> <p>2 Problem Prevention. It says copyright 2004 from</p> <p>3 Foley. Do you know what this document is?</p> <p>4 A It's another seminar that I attended at Foley.</p> <p>5 Q Probably in about 2004?</p> <p>6 A '04, '05.</p> <p>7 Q It looks like it was put on by Bernard Bobber and</p> <p>8 Patrick Toft?</p> <p>9 A Yes.</p> <p>10 Q And then I've got a white binder called Exemption</p> <p>11 Tests and Practice from World at Work; what's</p> <p>12 this?</p> <p>13 A This is a course that they offered to help you</p> <p>14 work through the exemption tests. It doesn't have</p> <p>15 anything in it related outside of the exemption</p> <p>16 testing element.</p> <p>17 Q Nothing to do with meal breaks?</p> <p>18 A Nothing at all.</p> <p>19 Q And then got the ComplyWare FLSA software, this</p> <p>20 says included updated 2004, fair play rules.</p> <p>21 Anything in here on the meal break periods?</p> <p>22 A Only to the extent that the actual regulations are</p> <p>23 part of the text. It's not intended for that, but</p> <p>24 it is available in there, in text.</p> <p>25 MR. SCULLEN: I would just note for</p>
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<p>1 This one says 1999.</p> <p>2 Q Does that seem about right?</p> <p>3 A Yeah.</p> <p>4 Q There is a number of documents in the binder, but</p> <p>5 then there is also some documents in the folder of</p> <p>6 the document as well, the binder. Then we've got</p> <p>7 a June 30th, 2004 survey of HR practices, and this</p> <p>8 looks like it was put on by Mercer?</p> <p>9 A Yes. That could have been a webinar. I don't</p> <p>10 know for sure which one it was.</p> <p>11 Q Did you either attend in person, or did you attend</p> <p>12 the webinar?</p> <p>13 A It would have been a webinar. I don't recall if</p> <p>14 it was just reference materials that they had or</p> <p>15 if it was a webinar. I don't recall which one</p> <p>16 this one was.</p> <p>17 Q If it wasn't a webinar, you said it might just be</p> <p>18 materials?</p> <p>19 A Yeah, it might be something they provided as kind</p> <p>20 of a compilation of data that they gave out to</p> <p>21 their clients.</p> <p>22 Q So something they might have mailed this to you</p> <p>23 and said Here's something, take a look at it?</p> <p>24 A Correct.</p> <p>25 Q I've got another presentation, looks like, from</p>	<p>1 the record too that I believe there were two</p> <p>2 dual opinion letters that were part of that</p> <p>3 group.</p> <p>4 (Exhibit No. 38 marked for</p> <p>5 identification)</p> <p>6 Q Showing you what is marked as Exhibit 38, do you</p> <p>7 know what this is?</p> <p>8 A It's a dual opinion letter that I had printed off</p> <p>9 sometime in '08 or after and had saved to my FLSA</p> <p>10 library online.</p> <p>11 Q And what's your FLSA library online?</p> <p>12 A Just where we save documents. A lot of the online</p> <p>13 stuff, if we find a letter or a briefing or</p> <p>14 something, we'll save it for future use.</p> <p>15 Q Have you brought all the documents in your library</p> <p>16 online that relate to meal break compliance?</p> <p>17 A Yes.</p> <p>18 Q And did you review this letter, the opinion</p> <p>19 letter, from the Department of Labor?</p> <p>20 A I do recall looking through it. I couldn't tell</p> <p>21 you the exact content of it.</p> <p>22 Q Do you recall approximately when you would have</p> <p>23 reviewed it?</p> <p>24 A I'm not for sure. I just know we go out</p> <p>25 periodically and look for opinion letters that are</p>

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<p>1 related to wage and hour and we keep those. Not</p> <p>2 necessarily for any reason that we needed to other</p> <p>3 than it's reference material that we have.</p> <p>4 Q When you reviewed this, did you take any action</p> <p>5 regarding Aurora's meal break policy?</p> <p>6 A No, we did not.</p> <p>7 (Exhibit No. 39 marked for</p> <p>8 identification)</p> <p>9 Q Showing you what has been marked as Exhibit 39,</p> <p>10 can you tell me what this document is?</p> <p>11 A It's, again, a dual opinion letter related to meal</p> <p>12 breaks.</p> <p>13 Q And at some point you reviewed this document?</p> <p>14 A Yes. This one specifically deals with the</p> <p>15 question of automatic meal deductions.</p> <p>16 Q And after reading this document, you took no</p> <p>17 action in terms of modifying Aurora's meal break</p> <p>18 policy?</p> <p>19 A No, we found ours to be in compliance.</p> <p>20 Q When you reviewed this, did you take any other</p> <p>21 actions other than just simply reviewing the</p> <p>22 letter?</p> <p>23 A None.</p> <p>24 Q So when you say you determined you were in</p> <p>25 compliance, you read this, you knew what the</p>	<p>1 Q If you look at the second page of the document, at</p> <p>2 the very bottom on the left-hand side, there's</p> <p>3 what looks like a computer directory, looks like O</p> <p>4 drive and HR 91/policies AMCO; do you know what</p> <p>5 all that means?</p> <p>6 A It looks like a shared drive on our O, O using the</p> <p>7 shared directory that the HR department has --</p> <p>8 everyone in their HR department has access to.</p> <p>9 It's specifically to Oshkosh, though.</p> <p>10 Q Any way from looking at this document to figure</p> <p>11 out who would have drafted it?</p> <p>12 A No.</p> <p>13 (Recess taken)</p> <p>14 (Exhibit No. 40 marked for</p> <p>15 identification)</p> <p>16 Q Showing you what has been marked as Exhibit 40,</p> <p>17 Mr. Rountree, do you know what this document is?</p> <p>18 A Yes. This is the work week and rest periods</p> <p>19 document, and it has the change form attached to</p> <p>20 it for the changes that occurred.</p> <p>21 Q And the change form, you're looking at the last</p> <p>22 page of this document?</p> <p>23 A Correct.</p> <p>24 Q What can you tell me about the change form, what</p> <p>25 does it tell us?</p>
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<p>1 policy was, and you --</p> <p>2 A From that standpoint, yes.</p> <p>3 Q Didn't speak with anybody else at Aurora about it?</p> <p>4 A No.</p> <p>5 Q Is there anyone else at Aurora who should have</p> <p>6 been reviewing these types of Department of Labor</p> <p>7 opinions and making sure that Aurora's policy was</p> <p>8 in compliance?</p> <p>9 A Not that I'm aware of, no.</p> <p>10 Q I'm going to show you what was previously marked</p> <p>11 as Exhibit 12 for this deposition. It's a</p> <p>12 document called Kronos Practices for AMCO</p> <p>13 Caregivers, January 2010. Do you know what this</p> <p>14 document is?</p> <p>15 A Yes, I saw it this morning.</p> <p>16 Q Prior to this morning, had you seen this document?</p> <p>17 A No, I had not.</p> <p>18 Q If I understand things from Mr. Cummings'</p> <p>19 testimony, I believe, this is an Aurora's policy</p> <p>20 that applies to Oshkosh facilities; that's what</p> <p>21 the O stands for in AMCO?</p> <p>22 A Yes.</p> <p>23 Q Do you know who would have drafted this policy?</p> <p>24 A I don't know for sure. It should be someone in</p> <p>25 the human resource department.</p>	<p>1 A We made a change roughly in '04 around how we were</p> <p>2 on an eight and 80 payment of overtime. We went</p> <p>3 to purely over 40 for all of our caregivers at</p> <p>4 that time, and that this was to change the</p> <p>5 language in this policy to reflect time and a half</p> <p>6 paid over 40 versus eight and 80.</p> <p>7 Q That change was made at what time?</p> <p>8 A The change here says 5 of '04.</p> <p>9 Q So if you look at the front page of that document,</p> <p>10 this is the 5 of '04 revision?</p> <p>11 A I would assume so based on the proposed effective</p> <p>12 date.</p> <p>13 Q And do you know what the change is related to the</p> <p>14 9 of '04?</p> <p>15 A I do not.</p> <p>16 Q And this document doesn't tell us anything about</p> <p>17 the 9 of '04 change; is that right?</p> <p>18 A Not that I'm aware of.</p> <p>19 Q Can I ask how you obtained this?</p> <p>20 A We got it from Andrea, the person I mentioned,</p> <p>21 Andrea Voleride, I think is how you pronounce it.</p> <p>22 She went back in her archives and found it.</p> <p>23 Q Very good. Have you told me at today's deposition</p> <p>24 everything that Aurora does to ensure that its</p> <p>25 meal break policy is being complied with in the</p>

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<p>1 loss prevention department?</p> <p>2 A Yes, everything to my knowledge.</p> <p>3 Q And your department is the only department in</p> <p>4 charge of ensuring that the loss prevention</p> <p>5 department follows Aurora's meal break policy; is</p> <p>6 that right?</p> <p>7 A Ultimately, yes. Again, I would say that the</p> <p>8 leadership of the department and at each site HR</p> <p>9 people have a role in that as well.</p> <p>10 Q From a human resources perspective, your</p> <p>11 department is the only department in charge of</p> <p>12 ensuring that the loss prevention department</p> <p>13 complies with the meal and lunch break policy; is</p> <p>14 that right?</p> <p>15 MR. SCULLEN: Objection,</p> <p>16 mischaracterizes his testimony and asked and</p> <p>17 answered.</p> <p>18 MR. PARSONS: Can't be both.</p> <p>19 MR. SCULLEN: Sure, it can. You</p> <p>20 asked the question already, and you also, in</p> <p>21 the course of asking your question,</p> <p>22 mischaracterized his prior testimony.</p> <p>23 MR. PARSONS: I wasn't purporting</p> <p>24 to characterize his testimony at all. I was</p> <p>25 just asking a question.</p>	<p>1 Q Did that revision relate to the meal and break</p> <p>2 period at all?</p> <p>3 A No, it did not.</p> <p>4 Q With regard to the policy on policies, which I</p> <p>5 believe is Exhibit 28, do all revisions to</p> <p>6 policies, do you know, do they necessarily get</p> <p>7 reflected in a change of policy form consistent</p> <p>8 with Exhibit 28?</p> <p>9 A To my knowledge, they would because that's how</p> <p>10 they get put on. There's only one control point</p> <p>11 to put them online.</p> <p>12 Q Is that true for if there was a spelling error in</p> <p>13 a policy, would that change be reflected on the</p> <p>14 policy data form?</p> <p>15 A It should be. I can't say that there were</p> <p>16 policies that were sent over and said this word</p> <p>17 was changed without that change form being done.</p> <p>18 To my knowledge, that's what they request.</p> <p>19 Q You were asked about training. Are you familiar</p> <p>20 with HR training for leaders?</p> <p>21 A Yes.</p> <p>22 Q Is that different than the brown bag training you</p> <p>23 testified to?</p> <p>24 A There is specific training as part of leadership</p> <p>25 development that has different orientations in it</p>
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<p>1 (Question read)</p> <p>2 MR. SCULLEN: You can answer.</p> <p>3 A I would say no on that because while we set the</p> <p>4 policy, and we ensure -- we try to ensure people</p> <p>5 follow it, we're not the people at the ground</p> <p>6 level in that department or at that site from an</p> <p>7 HR perspective. I would say the HR department at</p> <p>8 that site would have responsibility as well as the</p> <p>9 comp department for ensuring that they're</p> <p>10 following the meal and rest period policy.</p> <p>11 Q The HR departments on site, do they report to you?</p> <p>12 A They do not.</p> <p>13 MR. PARSONS: That's all the</p> <p>14 questions I have for now.</p> <p>15</p> <p>16 EXAMINATION</p> <p>17 By Mr. Scullen:</p> <p>18 Q With regard to the exempt and nonexempt policy,</p> <p>19 which is Exhibit 8, just to clarify, when was that</p> <p>20 created?</p> <p>21 A It was originally created, we created it in '07,</p> <p>22 June of '07.</p> <p>23 Q And the revision -- it notes that there was a</p> <p>24 revision in February of 2008?</p> <p>25 A Yes.</p>	<p>1 from HR orientation, benefits, those type of</p> <p>2 things.</p> <p>3 Q Does it cover the meal and break policy?</p> <p>4 A I'm not for sure.</p> <p>5 MR. SCULLEN: That's all I have.</p> <p>6 MR. PARSONS: I don't think I have</p> <p>7 anything else.</p> <p>8 (Adjourning at 12:16 p.m.)</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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STATE OF WISCONSIN )

) ss.

COUNTY OF DANE )

I, BRANDÉ A. BROWNE, a Registered Professional Reporter and Notary Public duly commissioned and qualified in and for the State of Wisconsin, do hereby certify that pursuant to notice, there came before me on the 20th day of December 2010, at 9:40 in the forenoon, at Quarles & Brady, LLP, Attorneys at Law, 411 East Wisconsin Avenue, Suite 2040, the City of Milwaukee, County of Milwaukee, and State of Wisconsin, the following named person, to wit: MARK A. ROUNTREE, who was by me duly sworn to testify to the truth and nothing but the truth of his knowledge touching and concerning the matters in controversy in this cause; that he was thereupon carefully examined upon his oath and his examination reduced to typewriting with computer-aided transcription; that the deposition is a true record of the testimony given by the witness; and that reading and signing was not waived.

I further certify that I am neither attorney or counsel for, nor related to or employed by any of the parties to the action in which this deposition is taken and further that I am not a relative or employee of any attorney or counsel

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employed by the parties hereto or financially interested in the action.

In witness whereof I have hereunto set my hand and affixed my notarial seal this 22nd day of December 2010.



A handwritten signature in cursive script, reading "Brandé A. Browne".

Notary Public, State of Wisconsin  
Registered Professional Reporter  
My commission expires  
April 21, 2013

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